

**APPENDIX
VOLUME III**

Supreme Court, U. S.
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**IN THE
Supreme Court of the United States**

OCTOBER TERM, 1976

Nos. 76-777, 76-933, 76-934, 76-935

PEGGY J. CONNOR, ET AL.,

—v.—

Appellants

**CLIFF FINCH, GOVERNOR OF THE STATE OF MISSISSIPPI,
ET AL.**

**CLIFF FINCH, GOVERNOR OF THE STATE OF MISSISSIPPI,
ET AL.,**

—v.—

Appellants

**PEGGY J. CONNOR, ET AL. AND
UNITED STATES OF AMERICA**

UNITED STATES OF AMERICA,

—v.—

Appellant

**CLIFF FINCH, GOVERNOR OF THE STATE OF MISSISSIPPI,
ET AL.**

PEGGY J. CONNOR, ET AL.,

—v.—

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**CLIFF FINCH, GOVERNOR OF THE STATE OF MISSISSIPPI,
ET AL.**

**APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI**

**DOCKETED DECEMBER 8, 1976, AND JANUARY 5, 1977
PROBABLE JURISDICTION NOTED DECEMBER 8, 1976 AND
JANUARY 17, 1977.**

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IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Oct. 31, 1975]

[Caption Omitted]

ALTERNATIVE PLANS SUBMITTED BY THE
UNITED STATES PURSUANT TO ORDER OF
JULY 11, 1975

By Order entered July 11, 1975, the Court directed the parties to this litigation to submit plans apportioning the Mississippi state legislative districts on the basis of various criteria outlined by the Court. The Court's initial directive commanded the parties to submit plans apportioning the House of Representatives and the Senate of the State of Mississippi without splitting county boundaries and equalizing population between the districts to the extent possible. Attached as Exhibits A and B are the attempts by the United States to accomplish the Court's directive in this respect and, at the same time, avoid to the extent possible diluting the voting strength of minorities.

I. COUNTY BOUNDARY PLANS

As required by the Court, the population statistics used to construct these plans were Current Population Reports: Population Estimates and Projections, "1973 Population and 1972 Per Capita Income Estimates for Counties and Incorporated Places in Mississippi," Series P-25, No. 569, U.S. Bureau of Census (June, 1975). Those statistics provide only a total population and do

not provide racial composition. Attached as Exhibit E is a chart setting forth, for each majority black county, the total population change from 1960-1970, the total population change from 1970-1973, and the total black population change from 1960-1970. As is evident from that publication, there are no trends which, on the basis of the statistics available, would provide a basis for projecting the black population by county for 1973. Accordingly, we calculated the racial composition of each county by using the black population percentage from the 1970 census information and multiplying it by the total 1973 county population.

In submitting these plans according to the directive of this Court which here gives complete deference to county boundaries, we wish to emphasize two points. First, as we have previously stated,¹ plans such as these fail to meet constitutional requirements for an apportionment of the legislature for the State of Mississippi, particularly when, as here, they are being formulated by the Court itself. Such plans inevitably necessitate the creation of multi-member districts in order to reasonably meet the requirements of one-man one-vote. The use of multi-member districts in Mississippi where there is a cognizable black population results in dilution of black voting strength. See footnote 1.

Secondly, such a plan results in disproportionate population deviations when, as we believe is required in such circumstances, efforts are made to avoid racial dilution. There is an inverse proportional relationship between the size, population-wise, of the smallest unit to construct districts and the flexibility or number of alternative combinations. It is axiomatic that when restrictions on the units available to build districts preclude alternatives which would permit giving credence to minority voting

¹ *Amicus Curiae* Brief of United States to the United States Supreme Court; Memorandum of United States, submitted June 18, 1975, discussing cases cited by Supreme Court upon remand to this Court; Analysis of H.B. 1290 and S.B. 2976, submitted June 20, 1975; Memorandum of United States, further delineating our analysis of H.B. 1290 and S.B. 2976.

strength, any such plan devised on the basis of those units results in diluting minority voting strength.

Under such restrictions, cognizance cannot be given to concentrations of black population which either transcend county boundaries² or which are located entirely within a county the population of which exceeds the norm for a single district but which is not evenly divisible by the norm for one district, *e.g.*, Washington County for both the House and Senate and Warren County for the House.

A. Senate County Boundary Plan

The County Boundary Plan for the Senate contains 38 districts, 12 of which are multi-member districts. Thirteen of the districts including 3 multi-member districts have majority black population. Eight of those thirteen districts, including one multi-member district, have a majority black VAP. The following Chart 1 is a comparison of the County Boundary Plan with the State Modified Plan:

Chart 1

| | # of Districts with maj BVAP | # Reps. Elected |
|--------------------|---------------------------------|--------------------|
| State Modified | 11 | 12 |
| BVAP more than 54% | 10 | 11 |
| BVAP less than 54% | 1 | 1 |
| County Boundary | 8 | 9 |
| BVAP more than 54% | 4 | 4 |
| BVAP less than 54% | 4 | 5 |

A comparison of these figures demonstrates that the number of majority black VAP districts is reduced by adhering to county boundaries and the resulting majority

² For instance, District 46 of the State Modified Plan (hereinafter SMP), previously presented to the Court by the United States as a possible redistricting alternative in these proceedings, gives credence to a concentrated black population area in portions of Clay, Oktibbeha, Lowndes, Monroe, and Chickasaw Counties and has a black VAP majority of 54.36%.

black VAP districts have generally a lower black majority.

Chart 2

Chart 2 below sets forth how each black majority VAP county is treated in this proposed plan:

I. Combined with white population majority counties resulting majority white population districts:

| District | # of Reps. | Counties | % B. Pop. | % BVAP |
|----------|------------|--------------|-----------|--------|
| 10 | 1 | Tallahatchie | 60.2 | 52.03 |
| | | Yalobusha | 40.4 | 33.04 |
| | | Calhoun | 26.1 | 19.95 |
| | | | 43.72 | — |
| 25 | 2 | Madison | 62.3 | 56.74 |
| | | Leake | 35.7 | 31.29 |
| | | Scott | 33.0 | 29.23 |
| | | Neshoba | 19.7 | 17.17 |
| | | | 40.42 | — |

II. Combined with majority white population counties resulting in majority white VAP districts:

| | | | | |
|----|---|-----------|-------|-------|
| 2 | 1 | Marshall | 62.0 | 56.74 |
| | | Tate | 47.2 | 38.26 |
| | | | 55.61 | 48.09 |
| 15 | 1 | Noxubee | 65.8 | 58.62 |
| | | Kemper | 54.8 | 46.77 |
| | | Winston | 39.1 | 33.33 |
| | | | 51.36 | 43.71 |
| 31 | 1 | Wilkinson | 67.6 | 62.78 |
| | | Adams | 47.9 | 44.12 |
| | | | 52.26 | 48.03 |

III. Combined with majority white VAP counties resulting in majority white VAP districts:

| District | # of Reps. | Counties | % B. Pop. | % BVAP |
|----------|------------|------------|-----------|--------|
| 7 | 1 | Quitman | 57.4 | 50.39 |
| | | Panola | 51.3 | 44.06 |
| | | | 53.47 | 46.03 |
| 18 | 2 | Issaquena | 62.0 | 55.07 |
| | | Sharkey | 64.7 | 56.37 |
| | | Washington | 54.5 | 49.43 |
| | | | 55.79 | 49.88 |

IV. Combined with majority white population counties or majority white VAP counties resulting in majority black VAP districts:

| | | | | |
|----|---|-----------|-------|-------|
| 16 | 1 | Holmes | 68.1 | 60.70 |
| | | Attala | 40.4 | 33.90 |
| | | | 54.93 | 52.74 |
| 17 | 1 | Humphreys | 64.8 | 57.70 |
| | | Yazoo | 53.4 | 47.70 |
| | | | 57.36 | 50.84 |
| 30 | 1 | Claiborne | 74.6 | 71.54 |
| | | Copiah | 50.3 | 43.43 |
| | | Jefferson | 75.3 | 69.29 |
| | | | 60.70 | 54.61 |

V. Combined with majority black VAP counties resulting in majority black VAP districts:

| | | | | |
|---|---|-----------|-------|-------|
| 8 | 1 | Coahoma | 89.0 | 58.50 |
| | | Tunica | 72.7 | 66.07 |
| | | | 85.34 | 81.50 |
| 9 | 2 | Bolivar | 61.4 | 53.26 |
| | | Sunflower | 62.8 | 55.06 |
| | | | 62.00 | 53.66 |

VI. Left as a single county district:

| | | | | |
|----|---|---------|------|-------|
| 11 | 1 | Leflore | 57.9 | 51.56 |
|----|---|---------|------|-------|

An analysis of these various groupings in the submitted county boundary plan for the state senate shows the following:

Group I

Two combinations other than these were easily possible for Tallahatchie and Madison.³ In both instances majority black population districts would have been created, but both districts would have had majority white VAP.

In the State Modified Plan Tallahatchie County was split and placed in two districts—Districts 7 and 8. District 7 has a black majority VAP of 56.91% and District 8 a black population percentage of 46.25%. Madison County was placed in District 37 which has a black VAP majority of 55.38%.

Group II

Although other combinations were possible for Marshall County, none would have resulted in a majority black population district. No other feasible combinations were available for Noxubee. The result under the County Boundary Plan does not significantly differ from the State Modified Plan.

Wilkinson County could have been combined with Amite, Franklin and Jefferson to create a majority black population district. Such a district would have been majority white VAP and would have resulted in submerging the black voting strength of not only Wilkinson County but also Jefferson and Claiborne in majority white VAP districts. Under the State Modified Plan, all three counties were in districts with a majority black VAP.⁴

³ Tallahatchie could have been combined with Grenada and Carroll resulting in an approximately 50% black population district. Madison could have been combined with Sharkey, Issaquena, Yazoo and Leake resulting in a 55% black population majority district. Such a district would have extended across two-thirds of the width of Mississippi and elected 2 members.

⁴ District 22 with a BVAP of 58.73% and District 27 with a BVAP of 55.46%.

Group III

Quitman County could have been combined with Coahoma County to create a majority black VAP district. However, such a combination would have left Tunica County isolated with no feasible combinations.

Issaquena and Sharkey Counties could have been combined with Madison and other counties,⁵ however, the resulting district would have majority white VAP. Under the State Modified Plan, Issaquena and Sharkey were in District 39 with a 54.1% BVAP and Quitman was in District 7 with a 56.91% BVAP.

B. House County Boundary Plan

The House plan contains 67 districts, 31 of which are multi-member districts.⁶ Twenty districts, 8 of which are multi-member, have a majority black population and 18 districts, 7 of which are multi-member, have majority black VAP.

Chart 3 is a comparison of the County Boundary Plan with the State Modified Plan:

Chart 3

| | # of Districts with maj. BVAP | # Reps. Elected | Multi- Member Dist. |
|--------------------|--|--------------------|---------------------------|
| State Modified | | | |
| BVAP more than 56% | 18 | 18 | — |
| 54-56% | 6 | 6 | — |
| 52-54% | 1 | 1 | — |
| 50-52% | 4 | 4 | — |
| | 29 | 29 | |
| County Boundary | | | |
| BVAP more than 56% | 8 | 9 | 1 |
| 54-56% | 3 | 5 | 1 |
| 52-54% | 2 | 4 | 1 |
| 50-52% | 5 | 8 | 3 |
| | 18 | 26 | 6 ⁷ |

⁵ See discussion *supra* at p. 7.

⁶ Including the only floterial district.

⁷ Does not include floterial district.

Two items of significance can be seen by this chart. First, adhering to county boundaries results in a substantially lower number of majority black VAP districts. Second, the districts with a majority black VAP generally have a much lower percentage majority. According to the testimony of Rims Barber in this case, black voting strength in Mississippi is not significantly effective in a district with less than 54% BVAP.

The number of representatives elected by the proposed BVAP districts in the County Boundary Plan is also less than in the State Modified Plan. The fact that 26 representatives would be elected from majority black VAP districts in the former must be considered in the context of the number of multi-member districts contributing to that total. There are 6 such districts from which 14 of the 26 members would be elected. In our view, as we have previously stated to the Court, multi-member districts in the State of Mississippi generally dilute black voting strength.

Chart 4

I. Combined with majority white population counties resulting in majority white districts:

| District | # of Reps. | Counties | % B. Pop. | % BVAP |
|----------|------------|-----------|-----------|--------|
| 1 | 3 | Tunica | 72.7 | 66.00 |
| | | DeSoto | 35.1 | 30.25 |
| | | | 42.0 | — |
| 24 | 3 | Issaquena | 62.0 | 55.07 |
| | | Sharkey | 64.7 | 56.37 |
| | | Warren | 40.8 | 38.27 |
| | | | 45.3 | — |

II. Combined with white majority VAP counties resulting in white VAP majority districts:

| | | | | |
|----|---|---------|-------|-------|
| 20 | 2 | Noxubee | 65.8 | 58.62 |
| | | Winston | 39.1 | 33.33 |
| | | Kemper | 54.8 | 46.77 |
| | | | 51.36 | 43.71 |

III. Combined with majority white population counties or majority white VAP counties resulting in majority black VAP districts:

| District | # of Reps. | Counties | % B. Pop. | % BVAP |
|-------------------|------------|------------|-----------|--------|
| 3 | 2 | Marshall | 62.0 | 56.70 |
| | | Benton | 42.0 | 32.32 |
| | | | 57.7 | 50.60 |
| 22 | 3 | Madison | 62.3 | 56.74 |
| | | Yazoo | 53.4 | 47.70 |
| | | | 58.3 | 52.45 |
| 25 | 2 | Claiborne | 74.6 | 71.54 |
| | | Copiah | 50.3 | 43.43 |
| | | | 57.1 | 51.30 |
| 46 | 2 | Wilkinson | 67.6 | 62.78 |
| | | Jefferson | 75.3 | 69.29 |
| | | Franklin | 38.8 | 33.46 |
| | | Amite | 50.4 | 42.12 |
| | | | 58.1 | 51.20 |
| 11 (Floterial) | 6 | Bolivar | 61.4 | 53.26 |
| | | Washington | 54.5 | 49.43 |
| | | | 57.3 | 50.56 |

IV. Combined with majority black VAP resulting in majority black VAP districts:

| | | | | |
|----|---|-----------|------|-------|
| 10 | 3 | Quitman | 57.4 | 50.39 |
| | | Coahoma | 64.3 | 58.50 |
| | | | 62.4 | 55.74 |
| 23 | 2 | Holmes | 68.1 | 60.70 |
| | | Humphreys | 64.8 | 57.70 |
| | | | 66.8 | 59.37 |

V. Left as a single county district:

| | | | | |
|-----|---|------------------|------|-------|
| 12A | 1 | Sunflower (part) | 62.1 | 54.00 |
| 12B | 1 | Sunflower (part) | 63.7 | 55.73 |
| 13A | 1 | Lefflore (part) | 73.5 | 68.19 |
| 14 | 1 | Tallahatchie | 60.2 | 51.82 |

Group I

A combination of DeSoto County with Tunica County dilutes the black voting strength in Tunica County by combining it with a majority white population county to elect three members. The only other possible combination for Tunica would have been with Panola County, which, like DeSoto County has a majority white voting age population. The resulting effect on the black voting strength in Tunica County would be dilutive.

The policy of adhering to county boundaries prevents the creation of a black VAP majority district such as that created in the State Modified Plan.*

A combination of Warren County with the black majority VAP counties of Issaquena and Sharkey dilutes the black voting strength in those latter two counties.

Majority black VAP counties Issaquena and Sharkey could have been combined in two other ways. First, with Washington County in a district in which four members would be elected. Second, with Yazoo County in a district in which two people would be elected. Both Washington and Yazoo Counties have a majority black population, but a majority white VAP. The resulting effect in both instances would have been to submerge the black voting strength in Issaquena and Sharkey Counties, as well as the substantial black concentrations in Washington and Yazoo Counties, in multi-member districts with a white majority VAP.

As is demonstrated by District 44 of the State Modified Plan, cognizance can be given to the black voting strength in Issaquena and Sharkey Counties and portions of surrounding counties if the drafting of a plan is not restricted by adhering to county boundaries.

Group II

A combination of Winston County with Noxubee and Kemper Counties dilutes black voting strength. The only other possible combination for these counties would have been combining them with Oktibbeha County, which also has a majority white population. Such a district

* District 13 which has a 63.15% BVAP.

would have had three representatives, as compared to two in the presently proposed district, and likewise would have resulted in a white majority VAP district.

It should be noted that western Lowndes County, eastern Oktibbeha County and eastern Clay County have significant black population concentrations.

Again, the restriction of adhering to county boundaries prevents the creation of compact, single-member districts with black majority VAP's.

Districts 49 and 50 of the State Modified Plan contain Kemper and Noxubee Counties resulting in two majority black population districts, one of which, District 49, has a majority black VAP of 54.03%.

Group III

Each of the districts listed in the group are multi-member districts. District 22 has the highest majority black VAP of the four districts, i.e., 52.45%. In each instance, the necessary use of a multi-member district, in an effort to comply with one-man one-vote requirements, results in the dilution of black voting strength.

With the exception of combining Claiborne and Jefferson Counties in a single-member district, no combination of counties would have avoided this result, considering one-man one-vote requirements.⁹

Both Madison and Marshall Counties have a sufficient population to create a district with a majority black VAP in them, however, neither is evenly divisible by the norm for one district, so as to allow subdivision of the county.¹⁰

Bolivar County has sufficient population to create two districts within it, plus $\frac{2}{3}$ of a third district. In light of the black population concentration in surrounding

⁹ Madison County could have been combined with Holmes County to elect three members. Such a district would have had a majority black VAP. However, Holmes County was combined with Humphreys County, accomplishing the same result. Both counties could not have been combined with other counties in such a way to avoid diluting black voting strength.

¹⁰ See Districts 6, 58 and 59 of the State Modified Plan.

counties, at least two of the three districts would have had a majority black VAP.¹¹

Although Washington County has a majority white VAP, it has 38,000 blacks which in itself is sufficient to create two substantial black majority districts. Districts 36 and 41 of the State Modified Plan demonstrate the available alternatives when county boundaries are not adhered to.

In an effort to avoid the effects of a district in which 6 members are elected by the combination of Washington and Bolivar Counties, this district was established as a flatorial district. For this purpose, Bolivar County was subdivided into 2 parts, and Washington County into 3 parts. Each subdistrict elects one member and participates in the election of the sixth member. However, the result is to cause substantial deviation from one-man one-vote.

Groups IV and V

The remaining majority black VAP counties are either combined in such a way, or established as single-member districts, so as to avoid dilution of black voting strength.

.

The restriction of adhering to county boundaries operates in two other situations to prevent effectively avoiding the dilution of black voting strength.

A number of counties have sufficient total population and black population to allow the creation of single-member districts with a black majority VAP. For instance, such a district could be created in Vicksburg (Warren County), Natchez (Adams County), portions of Copiah County, portions of Panola County, and portions of Coahoma County.¹² None of these counties has a population which is equally divisible by the norm for one district within acceptable deviation limits.

¹¹ See Districts 31, 32 and 36 of the State Modified Plan.

¹² See Districts 11, 14, 55, 81 and 100 of the State Modified Plan.

The second situation occurs where there exists a concentrated black population in adjoining areas of several counties, but where each individual county has a majority white population, or voting age population. State Modified Plan Districts 24 and 39 illustrate this point.

CONCLUSION

For the foregoing reasons, we believe that implementation of either Senate or House County Boundary Plans would not be in compliance with requirements of the Fifteenth Amendment of the United States Constitution.

II. RESTRICTED FRACTIONALIZATION PLANS

In its Order of July 11, 1975, the Court also directed the parties to submit a plan, as an alternative to a plan which adhered to county boundaries, which:

. . . shall provide for the minimum fracturing of county boundaries, in which no county shall be divided more than once, and no more than two fractured counties shall be placed in the same district. . . . The alternate plans shall adhere as nearly as possible to precinct and beat lines.

Attached as Exhibits C and D are the United States' attempts to meet these Court criteria. The Senate Restricted Fractionalization Plan is hereinafter SRFP and the House Restricted Fractionalization Plan is hereinafter HRFP.

Several points also should specifically be noted regarding the contents of these plans. First, it was not possible to utilize 1973 Census statistics to draw these plans. Those statistics provide only an estimate of population by county and each incorporated place. No racial composition figures are available and no statistics are provided for supervisor districts, voting precincts, or enumeration districts (from which calculations of the population and racial composition could fairly accurately be made). Other than 1970 Census statistics, we do not

have any other statistics which would have provided the necessary information and we are not aware that any such statistics exist for 1973. Accordingly, we used 1970 Census statistical data in formulating these plans.

Second, not all counties in Mississippi were able to provide maps or legal descriptions of voting precincts. To date we have, either from our internal records, by visiting the county, or by mail, obtained precinct maps from 45 of the 82 counties.¹³ Nevertheless, we have been able to conform both SRFP and HRFP to existing supervisor district or voting precinct lines, except for Warren County in HRFP.¹⁴

Third, population statistics generally are not available by voting precinct. Accordingly, when only a portion of a county was used in creating a district, calculations from enumeration districts were made to determine the population and racial composition of the relevant portions of each county.¹⁵ Inevitably those calculations contain some margin of error. Where available, house count information available to us from the files of the submissions of reapportionments pursuant to Section 5 of the Voting Rights Act of 1965 was also utilized.¹⁶

Finally, because of the Attorney General's special responsibility under the Voting Rights Act to assure that voting rights are not denied or abridged on the basis of race or color, we have given particular attention in draft-

¹³ A list of the 37 counties for which we have not been able to obtain voting precinct information is attached as Exhibit F. Officials in 10 of those counties have indicated that the information will be provided by mail. Those counties are so designed on Exhibit F.

¹⁴ Existing voting precincts were not considered in Warren County since that county has been directed by a three-judge panel of this Court to take the steps necessary to accomplish a valid reapportionment no later than March 1, 1976. Such a reapportionment will very likely necessitate alterations in existing precincts.

¹⁵ Block statistics, which enable these calculations to be made on a block by block basis were used where available, i.e., City of Jackson, Meridian, Gulfport-Biloxi.

¹⁶ The house count figures generally relied on estimate per household and most were taken before publication of the 1970 Census. As a result, they do not exactly correspond to the Census figures.

ing these plans, to the protection of minority voting rights. However, the incorporation in these plans of a substantial number of multi-member districts which do not necessarily involve racial dilution in our view renders these plans suspect in a court-formulated redistricting. See footnote 1, *supra*.

A. Senate Plan

At the outset, SRFP has five multi-member districts, four of which have two representatives and one of which (Harrison County), has three. As a matter of comparison, the State Modified Plan (hereinafter SMP), previously presented to the Court by the United States as a possible alternative in these proceedings, contains four multi-member districts, three of which have two members and one of which (Harrison County) has three.

SRFP has 15 districts with a black population majority (electing 15 members) and 12 districts with a black VAP majority (electing 12 members). In comparison, SMP has 15 districts¹⁷ with a black population majority (electing 16 members) and 12 districts with a black VAP majority (electing 13 members).

The following Chart 5 is a comparison of the black VAP in SMP and SRFP:

¹⁷ As originally submitted SMP contained only one black majority VAP district in Hinds County giving a total of 14 districts with a black majority population. That alignment does not adhere to voting precincts and, accordingly, different districts were drawn. An examination of those districts indicates that two black majority districts are created. Such a plan further avoids submergence of the substantial black population in districts with a greater number of whites. Accordingly, our suggested State Modified Plan is by this reference amended to include the new proposed Hinds County districts.

Chart 5

| | # of districts with maj. BVAP | # of Rep. |
|-------------------|----------------------------------|--------------|
| State Modified | 12 | 13 |
| BVAP 56% or more | 5 | 5 |
| BVAP 54-56% | 6 | 7 |
| BVAP 52-54% | 1 | 1 |
| BVAP 50-52% | 0 | 0 |
| Senate Restricted | | |
| Fractionalization | 12 | 12 |
| BVAP 56% or more | 6 | 6 |
| BVAP 54-56% | 2 | 2 |
| BVAP 52-54% | 1 | 1 |
| BVAP 50-52% | 3 | 3 |

Thus it is evident that SRFP results in three less districts with a BVAP of more than 54% than SMP and the evidence in this case stands uncontradicted that black voting strength is not substantially effective in a district with less than 54% BVAP.¹⁸

In addition, SRFP adds little in terms of effectuating any policy of adhering to county boundaries. SMP left intact 59 counties whereas SRFP leaves intact 62 counties. Only 6 districts in SMP do not comply with the Court's restriction on including no more than portions of two split counties in one district.¹⁹ Two of these districts, 7 and 46, have a majority black VAP. Adhering to the Court's directive of placing no more than two partial counties in one district thus results in a decrease by two of the number of districts in which blacks would have a meaningful opportunity for electing a candidate of their choice.

In its order establishing the guidelines for this plan, the Court directed the parties to specify in each instance a county boundary is transcended in a district whether it was necessary to do so to avoid racial dilution. In SRFP 20 counties are divided between districts

¹⁸ Testimony of Rims Barber.

¹⁹ Districts 5, 7, 8, 15, 24 and 46.

at least one of which contains part of another county.²⁰ Except as indicated in the analysis below, in each instance the division was made to avoid diluting black voting strength or the resulting combination of a portion of one county with other counties, or portions thereof, was necessary because another portion of that county was combined with other counties, or a portion thereof, to avoid dilution of black voting strength.

Each district which contains a portion of a county combined with another county or portion thereof is discussed below.

1. Districts 1, 11, 20 and 21.

Districts 11 and 21 are the key districts in this group. District 21 gives cognizance to the black voting strength in Noxubee, Kemper and western Lowndes Counties and has a 67% BVAP. District 11, although not a majority black population district, seeks to avoid dilution of the substantial black voting strength in Clay County, southeastern Monroe County and northwestern Oktibbeha County. Neither the remaining portions of Lowndes, Monroe or Oktibbeha have sufficient population for a district; therefore, Districts 1 and 20 contain portions of those counties combined with other counties to avoid deviation problems.

2. Districts 2, 3, 4 and 5.

The creation of District 4 which gives cognizance to black voting strength in Tate, Marshall and Benton Counties occasions the combinations of portions of a county in Districts 2, 3 and 5 to limit deviation problems.

3. District 6.

District 6 adds part of Bolivar County, which has 4500 too many people to constitute the norm for one district, to Coahoma County which has 6000 too few.

²⁰ Monroe, Lowndes, Alcorn, Benton, Tate, Bolivar, Tallahatchie, Oktibbeha, Sunflower, Scott, Lauderdale, Newton, Yazoo, Washington, Wayne, Jones, Jefferson Davis, Copiah, Pike and Adams.

Creating single-member districts here avoids a geographically large two-member district and results in two majority BVAP districts.

4. *Districts 7 and 8.*

Tallahatchie County was divided in order to avoid diluting black voting strength in Quitman, Tunica, Tallahatchie and western Panola Counties, the result being a BVAP in District 7. Yalobusha County, which has a substantial white population majority, was added to avoid impermissible population deviation in residual District 8. A two-member district would have resulted in that district having a white VAP majority.

5. *Districts 15, 18, 25 and 26.*

All four of these districts have a majority black VAP. Washington County, portions of which are in Districts 15 and 26, has a majority white VAP and a concentrated white population in portions of Greenville and surrounding areas. Adhering to county boundaries would have resulted in dilution of black voting strength of any county combined with Washington County in its entirety.

Yazoo County was divided between Districts 25 and 26 to avoid the immense size a two-member district encompassing five counties which would have resulted.

6. *Districts 19, 22, 23 and 24.*

None of these districts have a majority black population. The affected counties in this group were divided among the four districts primarily to avoid the creation of a large four-member district.

7. *Districts 35, 36, 37, 38 and 43.*

The key district in this group is District 38 which combines Claiborne, Jefferson and portions of Copiah to create a majority BVAP district necessitating the splitting of Copiah County. The remaining counties that are split were divided to avoid creating a large four-member district which would have extended almost the entire width of the State of Mississippi.

8. *Districts 39, 40 and 41.*

District 40 has a black population majority whose voting strength would be diluted significantly if included in a multi-member district. Thus, Adams County was divided to create single-member District 40. District 39 (2 members) and District 41 (1 member) were created in lieu of a three-member district simply because the latter would have contained more than five counties and would have contained more than five counties and would have spanned two-thirds the width of Mississippi.

B. *House Plan*

HRFP has seven multi-member districts, five of which have two representatives and two of which have three representatives. No other plan for apportioning the House of Representatives, except the County Boundary Plan submitted herewith, contains multi-member districts.

HRFP has 29 districts with a black population majority (electing 30 members) and 27 districts with a black VAP majority (electing 28 members). In comparison the SMP has 34 districts with a black population majority (electing 34 members) and 29 districts with a black VAP majority (electing 29 members).

The following Chart is a comparison of the black VAP in SMP and HRFP:

| | # of Districts with Maj. BVAP | # of Reps. |
|-------------------|----------------------------------|---------------|
| State Modified | 29 | 29 |
| BVAP 56% or more | 17 | 17 |
| BVAP 54-56% | 7 | 7 |
| BVAP 52-54% | 1 | 1 |
| BVAP 50-52% | 4 | 4 |
| House Restricted | | |
| Fractionalization | 27 | 28 |
| BVAP 56% or more | 22 | 23 |
| BVAP 54-56% | 2 | 2 |
| BVAP 52-54% | 1 | 1 |
| BVAP 50-52% | 2 | 2 |

It is evident from this Chart that SMP has two more majority BVAP districts electing one more member. However, it is also evident that both plans contain 24 districts with a BVAP of 54% or more.²¹ Both BVAP majority districts which are not contained in HRFP have a BVAP of 50-52%.

Additionally, the restrictions which the Court imposed on the drafting of HRFP had the effect of increasing the number of counties which were not split from 20 in the SMP to 30.²² Keeping intact 8 of the 10 additional counties that were not split was a concomitant result of using multi-member districts.²³

More significantly, the restrictions imposed by the Court resulted in greater geographical irregularity in the districts in order to avoid deviation problems. Notwithstanding our efforts to limit deviations from the norm, HRFP contains 14 districts with more than $\pm 5\%$ deviation, and a total deviation range of 15.86%. In comparison, SMP has no districts with more than $\pm 5\%$ deviation and has a total deviation range of 8.82%. This increase in deviation results as much from the requirement of adhering to existing voting precincts and supervisor districts as from the requirement of not placing more than two partial counties in one district.²⁴

In its order of July 11, 1975, the Court directed that the parties specify in each instance that a county boundary is transcended whether it was necessary in order to avoid dilution. Except as noted below, each such division

²¹ The percentage which Rims Barber testified is significant in evaluating the effectiveness of black voting strength in Mississippi. His testimony has not been contradicted.

²² Those 30 counties are: Alcorn, Tishomingo, Benton, Tunica, Tate, Union, Pontotoc, Prentiss, Itawamba, Carroll, Webster, Clay, Kemper, Winston, Attala, Sharkey, Leake, Neshoba, Jefferson, Jasper, Clarke, Jefferson Davis, Lincoln, Wilkinson, Walthall, Perry, George, Hancock, Pearl River and Stone.

²³ Those 8 counties are: Alcorn, Union, Pontotoc, Prentiss, Neshoba, Lincoln, Pearl River and Stone.

²⁴ SMP contains only 15 districts which place more than two partial counties in one district. Five of those districts (24, 36, 44, 49 and 51) have a majority black VAP.

was made either to avoid diluting black voting strength or as a concomitant result of the combination of a portion of one county with another county, or portions thereof, to avoid dilution of black voting strength.

Districts 6 and 18.

Both districts are majority black and could have been combined to result in a majority black district. That combination would not have significantly altered the percentage of black population of either district but would have required the creation of a three member district which included only part of Tallahatchie County. See footnote 1, *supra* at p. 3 and accompanying text.

Districts 8, 9, 15, 16, and 17.

These districts could have been combined without diluting black voting strength but would have resulted in a five member district snaking halfway across the state. Only part of Lee County and part of Panola County would have been used in that combined district. The remainder of Lee is in Districts 11 and 13 and inclusion of it in the combined district would have resulted in a six member district with the same geographical irregularity.

Including the remaining part of Panola would have had a dilutive effect.²⁵

Districts 14, 30, 31 and 32.

A combination of these districts again would have created a large (four member) district and included only part of a county, i.e., Lowndes. The remainder of Lowndes is in District 33, a majority black VAP district.

Districts 51 and 56.

District 51 is a three-member district which involves splitting Scott County. To avoid this split would require a four member district which would include only part of Newton County.

²⁵ See Exhibit D-1, District 6.

Districts 57, 75, 76, 77 and 78.

To avoid splitting any county lines for the counties in this group would require a five member district encompassing a large geographical area extending approximately one-half the width of Mississippi.

Districts 79, 80 and 99.

A three member district would have been required to avoid splitting any county boundaries, and would have reduced the black percentage of approximately 35% in Districts 79 and 80 to 27%. District 99 has only a 12.03% black population.

Districts 86, 90 and 91.

A combination of these districts would not avoid splitting county lines entirely. District 86, which is a two member district, contains only a part of Franklin County and District 90 contains only part of Amite. The remaining portions of those two counties are in District 89 which has a substantial black VAP which would be diluted if combined in a multi-member district.

A district combining proposed Districts 89, 90 and 91 and leaving Franklin County and Amite split would elect 4 members.

Districts 92 and 93.

A two member district combining these districts would include only a part of Lawrence County. The remaining part of Lawrence County is in District 85 and contains part of Copiah. The remainder of Copiah is in a majority black VAP district.

CONCLUSION

The requirement imposed by this Court of adhering to county boundaries renders it impossible to structure a plan which avoids diluting the voting strength of blacks. Accordingly, in our opinion, neither the proposed Senate nor House County Boundary Plans meet Fifteenth Amendment requirements. Accordingly, they are not ac-

ceptable alternatives to the three plans now before this Court for apportioning the State of Mississippi, i.e., Kirksey Plan, the Valinsky Plan and the State Modified Plan.

Likewise, the SRFP does not reasonably avoid diluting black voting strength for the reasons set forth in discussion of that plan. Thus, it is not an acceptable alternative to the three plans now before this Court and, accordingly, we advocate adoption of the Kirksey, Valinsky or State Modified Plan²⁶ for approaching the Senate.

HRFP, despite having a greater deviation due to the restrictions imposed by the Court, appears to meet appropriate Fifteenth Amendment requirements and, accordingly is an acceptable alternative, as well as the Kirksey Plan, the Valinsky Plan and the State Modified Plan.

Respectfully submitted,

/s/ Michael D. Johnson
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²⁶ As modified for Hinds County. See footnote 17 at p. 21.

EXHIBIT A-1

Senate: County Boundary Plan

I. Total population 2,317,022 1/

Number of seats 52

Ideal population per seat 44,558

II. Deviations

Districts with more than ±5% deviation 12 2/

Greatest minus (-) deviation -8.88% 3/

Greatest plus (+) deviation +12.10% 4/

Total deviation range 20.98%

III. Description

| District | No. of Reps. | County(ies) | Total Pop. 1/ | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|-----------------|---------------------------|-------------------------------------|----------------------------------|-------------------------------|----------------|-----------|
| 1 | 1 | DeSoto | 46,241 | 16,249 | 35.14 | | +3.77 |
| 2 | 1 | Marshall Tate | 26,770 20,328 47,098 | 16,597 9,595 26,192 | 62.0 47.2 55.61 | 48.09 | +5.70 |
| 3 | 1 | Benton Tippah Union | 7,411 17,256 20,379 45,046 | 3,112 2,813 3,138 9,063 | 42.0 16.3 15.4 20.11 | | +1.09 |

1/ From 1973 Population and 1972 Per Capital Income Estimates for Counties and Incorporated Places in Mississippi, U. S. Department of Commerce, Series P-25, No. 569, Issued June, 1975.

2/ Districts 2, 8, 11, 16, 17, 18, 27, 31, 32, 34, 36, and 38.

3/ District 17.

4/ District 8.

5/ Computed by multiplying 1970 black population % for county by total 1973 population.

| District | No. of Reps. | County(ies) | Total Pop. 1/ | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|-----------------|--|---|--|---|----------------|-----------|
| 4 | 1 | Tishomingo Alcorn | 15,876 28,197 44,073 | 1,856 3,327 5,183 | 11.7 11.8 11.76 | | -1.09 |
| 5 | 2 | Itavamba Lee Prentiss | 17,783 48,874 20,699 87,356 | 996 10,117 2,422 13,535 | 5.6 20.7 11.7 15.49 | | -1.97 |
| 6 | 1 | Lafayette Pontotoc | 26,859 18,337 45,196 | 7,440 3,264 10,704 | 27.7 17.8 23.68 | | +1.48 |
| 7 | 1 | Panola Quitman | 27,460 15,187 42,647 | 14,087 8,717 22,804 | 51.3 57.4 53.47 | 46.03 | -4.29 |
| 8 | 1 | Tunica Coahoma | 11,214 38,764 49,979 | 8,153 24,926 33,078 | 72.7 64.3 66.18 | 59.72 | +12.1 |
| 9 | 2 | Bolivar Sunflower | 49,472 36,801 86,273 | 30,376 23,111 53,487 | 61.4 62.8 62.00 | 53.66 | -3.19 |
| 10 | 1 | Tallahatchie Yalobusha Calhoun | 18,607 12,395 15,662 46,064 | 11,201 5,008 3,931 20,140 | 60.2 40.4 26.1 43.72 | | +3.38 |
| 11 | 1 | Leflore | 41,472 | 24,012 | 57.9 | 51.56 | -6.93 |
| 12 | 1 | Grenada Carroll Montgomery | 20,054 9,361 13,242 42,657 | 8,784 4,755 5,932 19,471 | 43.8 50.8 44.8 45.65 | | -4.27 |
| 13 | 2 | Webster Choctaw Oktibbeha Clay Chickasaw | 10,137 8,496 30,726 19,136 17,293 85,701 | 2,271 2,379 10,692 9,453 6,125 30,920 | 22.4 28.0 34.8 49.4 35.6 36.07 | | -3.83 |
| 14 | 2 | Lowndes Monroe | 53,483 34,811 88,294 | 17,430 10,617 28,107 | 32.7 30.5 31.83 | | -0.92 |

| District | No. of Reps. | County(ies) | Total Pop. 1/ | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|-----------------------|-----------------|---|--------------------------------------|------------------------------------|-------------------------------|----------------|-----------|
| 15 | 1 | Winston Noxubee Kemper | 18,982 13,700 10,170 42,852 | 7,422 9,015 5,573 22,010 | 39.1 65.8 54.8 51.36 | 43.71 | -3.83 |
| 16 | 1 | Attala Holmes | 19,630 22,498 42,128 | 7,822 15,321 23,143 | 40.4 68.1 54.93 | 52.74 | -5.45 |
| 17 | 1 | Humphreys Yazoo | 14,109 26,491 40,600 | 9,143 14,147 23,290 | 64.8 53.4 57.36 | 50.84 | -8.88 |
| 18 | 2 | Washington Sharkey Issaquena | 71,158 8,605 2,403 82,166 | 38,781 5,567 1,490 45,838 | 54.5 64.7 62.0 55.79 | 49.88 | -7.80 |
| 19 | 1 | Warren | 46,070 | 18,797 | 40.8 | | +3.39 |
| 20 | 1 | Hinds: precincts Twin Pines, Liberty Grove 1, 5, 8, 9, 14- 17, 32-38, 42- 45, 79-82 | 43,877 | 2,231 | 5.28 | | -1.5 |
| 21 | 1 | Hinds: precincts 11-13, 21-31, 39-41, 83 | 44,895 | 27,150 | 60.47 | 57.15 | +0.75 |
| 22 | 1 | Hinds: precincts 2, 4, 6, 10, 18-20, 47, 50-58, 63, 64 | 46,351 | 30,928 | 66.7 | 63.61 | +4.02 |
| 23 (Alternative 1) | 1 | Hinds: precincts 49, 66-77, Byram, Old Byram Red Hill, Terry, Dry Grove, Chapel Hill, Forrest Hill, Woodville Heights, Hickory, Fairfax, Briarcliff | 43,341 | --- | --- | | -2.73 |

| District | No. of Reps. | County(ies) | Total Pop. 1/ | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|-----------------------|-----------------|---|--|---|---------------------------------------|----------------|-----------|
| 23 (Alternative 2) | 1 | Hinds: precincts 49, 66-77, 59- 62, Byram, Old Byram, Dry Grove, Terry, Chapel Hill, Red Hill | 45,201 | --- | --- | | +1.44 |
| 24 (Alternative 1) | 1 | Hinds: precincts Tinnin, Pocahontas, Cynthia, Presidential Hills, North Clinton, Clinton 1, 2, 3, 4, Van Winkle I & II, Midway, Flag Chapel, Brownsville, Bolton, Edwards, Cayuga, Utica 1 and 2, Learned, Raymond 1 and 2, 59-62 | 43,667 | --- | --- | | -1.99 |
| 24 (Alternative 2) | 1 | Hinds: precincts Tinnin, Pocahontas, Cynthia, Presidential Hills, North Clinton, Clinton 1-4, Van Winkle I & II, Midway, Flag Chapel, Browns- ville, Bolton, Edwards, Cayuga, Utica 1 and 2, Learned, Raymond 1 and 2, Fairfax, Hickory, Woodville Heights, Briarcliff, Forest Hill | 41,807 | --- | --- | | -6.17 |
| 25 | 2 | Madison Leake Scott Neshoba | 31,904 17,484 22,292 21,681 93,361 | 19,876 6,242 7,356 4,271 37,745 | 62.3 35.7 33.0 19.7 40.42 | | +4.46 |
| 26 | 2 | Newton Lauderdale | 19,476 71,325 90,801 | 5,317 21,968 27,285 | 27.3 30.8 30.04 | | +1.89 |

| District | No. of Reps. | County(ies) | Total Pop. 1/ | Est. '73 Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|-----------------|--|---------------------------------------|------------------------------------|-------------------------------|----------------|-----------|
| 27 | 1 | Clarke Wayne Greene | 15,413 16,965 8,507 40,885 | 5,533 5,581 1,872 12,986 | 35.9 32.9 22.0 31.77 | | -8.24 |
| 28 | 2 | Jasper Jones Covington | 16,116 59,021 14,380 89,515 | 7,478 14,460 4,688 26,626 | 46.4 24.5 32.6 29.74 | | +0.45 |
| 29 | 2 | Rankin Simpson Smith | 51,864 20,800 14,404 87,608 | 14,574 6,531 2,218 23,323 | 28.1 31.4 15.4 26.62 | | -2.30 |
| 30 | 1 | Claiborne Covich Jefferson | 10,113 25,880 8,806 44,799 | 7,544 13,016 6,631 27,193 | 74.6 50.3 75.3 60.70 | 54.61 | +0.54 |
| 31 | 1 | Adams Wilkinson | 37,639 10,708 48,347 | 18,029 7,239 25,268 | 47.9 67.6 52.26 | 48.03 | +8.50 |
| 32 | 1 | Amite Franklin Lincoln | 13,106 7,989 26,902 47,997 | 6,605 3,100 8,259 17,964 | 50.4 38.8 30.7 37.43 | | +7.72 |
| 33 | 1 | Pike Walthall | 33,291 12,406 45,697 | 14,482 5,049 19,531 | 43.5 40.7 42.74 | | +2.56 |
| 34 | 1 | Lawrence Jefferson Davis Marion | 11,421 12,922 23,504 47,847 | 3,673 6,487 7,310 17,475 | 32.2 50.2 31.1 36.52 | | +7.38 |
| 35 | 2 | Forrest Lamar Perry | 61,839 16,925 9,370 88,134 | 15,151 2,234 2,464 19,849 | 24.5 13.2 26.3 22.52 | | -1.10 |
| 36 | 3 | Jackson Stone George | 103,933 8,541 13,217 125,691 | 16,837 1,964 1,533 20,334 | 16.2 23.0 11.6 16.17 | | -5.97 |

| District | No. of Reps. | County(ies) | Total Pop. 1/ | Est. '73 Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|-----------------|------------------------|----------------------------|-------------------------|-----------------------|----------------|-----------|
| 37 | 1 | Pearl River Hancock | 27,772 18,351 46,123 | 5,082 2,606 7,688 | 18.3 14.2 16.66 | | +3.51 |
| 38 | 3 | Harrison | 145,738 | 24,630 | 16.90 | | +9.02 |

EXHIBIT A-2

Population Projections Per District
For Hinds County 1/

| | <u>1970 Pop.</u> | <u>1973 Pop.</u> | <u>Percent Change</u> | | |
|-------------------------|------------------|---------------------|-----------------------|---------------------|-------------|
| Hinds County | 214,973 | 223,105 | +3.8% | | |
| <u>Senate Districts</u> | | | | | |
| | <u>1970 Pop.</u> | <u>1970 B. Pop.</u> | <u>1973 Pop.</u> | <u>1973 B. Pop.</u> | <u>% B.</u> |
| 20 | 42,271 | 2,150 | 43,877 | 2,231 | 5.28 |
| 21 | 43,252 | 26,157 | 44,895 | 27,150 | 60.47 |
| 22 | 44,655 | 29,796 | 46,351 | 30,928 | 66.70 |
| 23 (Alt. 1) | 41,755 | N/A | 43,341 | N/A | N/A |
| 23 (Alt. 2) | 43,547 | N/A | 45,201 | N/A | N/A |
| 24 (Alt. 1) | 42,069 | N/A | 43,667 | N/A | N/A |
| 24 (Alt. 2) | 40,277 | N/A | 41,807 | N/A | N/A |

1/ Since 1973 population information is available only on a county wide basis, it was assumed that the increase in the county's population was evenly dispersed throughout the districts within the county.

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EXHIBIT A-3

Senate County Boundary Plan: VAP Computations

| <u>Dist.</u> | <u>County(ies)</u> | <u>WVAP 1/</u> | <u>BVAP 2/</u> | <u>TVAP</u> | <u>% BVAP</u> |
|--------------|------------------------------------|---|---|-------------|---------------|
| 2 | Marshall Tate | 6,658 <u>7,382</u> 14,040 | 8,446 <u>4,561</u> 13,007 | 27,047 | 48.09 |
| 7 | Panola Quitman | 9,019 <u>4,189</u> 13,208 | 7,100 <u>4,166</u> 11,266 | 24,474 | 46.03 |
| 8 | Tunica Coahoma | 2,031 <u>9,129</u> 11,160 | 3,937 <u>12,608</u> 16,545 | 27,705 | 59.72 |
| 9 (2) | Bolivar Sunflower | 13,209 <u>9,517</u> 22,726 | 14,796 <u>11,523</u> 26,319 | 49,045 | 53.66 |
| 11 | Leflore | 11,784 | 12,541 | 24,325 | 51.56 |
| 15 | Winston Noxubee Kemper | 8,042 <u>3,218</u> <u>3,421</u> 14,681 | 3,969 <u>4,521</u> <u>2,914</u> 11,404 | 26,085 | 43.71 |
| 16 | Attala Holmes | 8,358 <u>5,199</u> 13,557 | 4,162 <u>7,982</u> 12,144 | 25,701 | 52.74 |
| 17 | Humphreys Yazoo | 3,322 <u>8,163</u> 11,485 | 4,470 <u>7,410</u> 11,880 | 23,365 | 50.84 |
| 18 (2) | Washington Sharkey Issaquena | 20,537 <u>2,034</u> <u>603</u> 23,174 | 19,747 <u>2,589</u> <u>734</u> 23,070 | 46,244 | 49.88 |
| 21 | Hinds | 12,050 | 16,075 | 28,125 | 57.15 |

1/ 1970 WVAP divided by 1970 total population times 1973 white population.

2/ 1970 BVAP divided by 1970 total population times 1973 black population.

| | | <u>WVAP 1/</u> | <u>BVAP 2/</u> | <u>TVAP</u> | <u>% BVAP</u> |
|----|-----------|----------------|----------------|-------------|---------------|
| 22 | Hinds | 10,473 | 18,312 | 28,785 | 63.61 |
| 30 | Claiborne | 1,809 | 4,504 | | |
| | Copiah | 9,086 | 6,974 | | |
| | Jefferson | 1,547 | 3,493 | | |
| | | <u>12,442</u> | <u>14,971</u> | 27,413 | 54.61 |
| 31 | Adams | 12,682 | 9,948 | | |
| | Wilkinson | 2,335 | 3,932 | | |
| | | <u>15,017</u> | <u>13,880</u> | 28,897 | 48.03 |

EXHIBIT B-1

HOUSE OF REPRESENTATIVES: COUNTY BOUNDARY PLAN

| | |
|--|---------------------|
| I. Total population | 2,317,022 <u>1/</u> |
| Number of seats | 122 |
| Ideal population per seat | 18,992 |
| II. Deviations | |
| Districts with more than +5% deviation | 34 <u>2/</u> |
| Greatest minus (-) deviation | -13.92 <u>3/</u> |
| Greatest plus (+) deviation | +13.45 <u>4/</u> |
| Total deviation range | 27.32% |

III. Description

| <u>District</u> | <u>Member</u> | <u>Counties</u> | <u>Total 1/</u> <u>Pop.</u> | <u>Est. '73 5/</u> <u>Black Pop.</u> | <u>Est. %</u> <u>Black</u> | <u>Est. %</u> <u>BVAP</u> | <u>%</u> <u>Dev.</u> |
|-----------------|---------------|--------------------------------|--|---|------------------------------------|------------------------------|-------------------------|
| 1 | 3 | DeSoto Tunica | 46,241 <u>11,854</u> 58,095 | 16,231 <u>8,153</u> 24,384 | 35.1 <u>72.7</u> 42.0 | | +1.96 |
| 2 | 1 | Tate | 20,328 | 9,595 | 47.20 | | +6.56 |
| 3 | 2 | Marshall Benton | 26,770 <u>7,411</u> 34,181 | 16,597 <u>3,113</u> 19,710 | 62.0 <u>42.0</u> 57.7 | 50.6 | -10.01 |
| 4 | 3 | Tippah Alcorn Tishomingo | 17,25 28,197 <u>15,876</u> 61,329 | 2,813 3,327 <u>699</u> 6,839 | 16.3 11.8 <u>4.4</u> 11.2 | | +7.64 |
| 5 | 2 | Prentiss Itawamba | 20,699 <u>17,783</u> 38,482 | 2,422 <u>996</u> 3,418 | 11.7 <u>5.6</u> 8.9 | | +1.30 |
| 6 | 4 | Lee Union | 48,874 <u>20,379</u> 69,273 | 10,117 <u>3,138</u> 13,255 | 20.7 <u>15.4</u> 19.1 | | -8.80 |

1/ From 1973 Population and 1972 Per Capita Income Estimates for Counties and Incorporated Places in Mississippi, U. S. Department of Commerce, Series P-25, No. 569, Issued June, 1975.

2/ Districts 2, 3, 4, 6, 11A, 11B, 11C, 11D, 12B, 13A, 13B, 15, 16, 18, 19, 20, 25, 35, 40, 41, 45, 46, 49A, 49B, 51C, 51E, 51F, 51G, 52A, 52B, 52C, 52D, 52E.

3/ District 51C.

4/ District 11D.

5/ Computed by multiplying 1970 black population % for county by total 1973 population.

| District | Members | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % % BVAP | % Dev. |
|----------|---------|-----------|------------------|---------------------------|-----------------|------------------|-----------|
| 7 | 1 | Pontotoc | 18,337 | 326 | 17.8 | | -3.40 |
| 8 | 3 | Lafayette | 26,859 | 7,440 | 27.7 | | |
| | | Calhoun | 15,062 | 3,931 | 26.1 | | |
| | | Chickasaw | 17,026 | 6,061 | 35.6 | | |
| | | | 59,127 | 17,432 | 29.5 | | +3.77 |
| 9 | 2 | Panola | 27,460 | 14,087 | 51.3 | | |
| | | Yalobusha | 12,395 | 5,008 | 40.4 | | |
| | | | 39,855 | 19,095 | 47.9 | | +4.92 |
| 10 | 3 | Coahoma | 38,765 | 24,926 | 64.3 | | |
| | | Quitman | 15,187 | 8,717 | 57.4 | | |
| | | | 53,952 | 33,643 | 62.4 | 55.74 | -5.30 |

11 (Floterial)

| | | | | | | | |
|------------|---|--|--------|--------|-------|-------|--------|
| Subdist. A | 1 | Bolivar County SD1, SD2: Longshot and Pace precincts, SD3, SD4: Merogild precinct | 25,392 | 19,198 | 75.60 | 68.58 | +9.43 |
| Subdist. B | 1 | Bolivar County SD2 precincts: West Cleveland, East Central Cleveland, Central Cleveland, SD4: North Cleveland | 24,625 | 11,516 | 46.76 | | +7.03 |
| Subdist. C | 1 | Washington County SD1: Episcopal Church precinct, SD2: Woods Recreation Center precinct, SD3: American Legion Precinct, SD4: County Garage Precinct SD5: Fulton County and Municipal Airport precinct | 26,491 | 10,438 | 39.40 | | +12.42 |
| Subdist. D | 1 | Washington County SD1: minus Episcopal Church precinct, SD2: Brown's Recreation Center precinct, SD3: minus American Legion precinct | 26,857 | 16,122 | 60.02 | 54.63 | +13.45 |

| District | Member | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % % BVAP | % Dev. |
|----------------|--------|--|---|--|--------------------------------------|------------------|-------------|
| Subdist. E | 1 | Washington County SD2, Arcola Health Clinic and Avon Health Clinic precincts, SD4: Leland Community Center and Leland City Hall precincts, SD5: minus Fulton County and Municipal Airport precinct | 22,863 | 14,768 | 64.5 | 59.39 | -1.16 |
| Dist.- wide | 1 | Bolivar Washington | 49,472 71,158 120,630 | 30,376 38,781 69,157 | 61.4 54.5 57.3 | | 6/ 50.56 |
| 12A | 1 | Sunflower SD2: Sunflower and Moorehead precincts, SD4: minus Boyer precinct, SD5 | 18,058 | 11,210 | 62.1 | 54.00 | -4.92 |
| 12B | 1 | Sunflower SD1, SD2: remainder SD3, SD4: Boyer precinct | 16,430 | 10,467 | 63.3 | 55.7 | -13.50 |
| 13A | 1 | Leflore SD3: Central Greenwood precinct SD4, 5 | 20,074 | 14,750 | 73.5 | 68.19 | +5.70 |
| 13B | 1 | Leflore SD1, SD2, SD3 minus Central Greenwood precinct | 21,395 | 9,251 | 43.2 | | +12.65 |
| 14 | 1 | Tallahatchie | 18,607 | 11,201 | 60.2 | 51.82 | -2.02 |
| 15 | 1 | Grenada | 20,054 | 8,784 | 43.8 | 43.80 | +5.59 |
| 16 | 3 | Carroll Montgomery Webster Attala | 9,361 13,242 10,137 19,630 52,370 | 4,755 5,932 2,271 7,822 20,780 | 50.8 44.8 22.4 40.4 39.7 | | -8.10 |

6/ Deviation computed as explained in submission of statistical analysis of H.B. 1290 and S.B. 2976 filed June 20, 1975. Representation factor = .0000526.

| District | Member | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|------------|---|--------------------------------------|------------------------------------|-------------------------------|----------------|-----------|
| 17 | 2 | Oktibbeha Choctaw | 30,726 8,496 39,222 | 10,693 2,379 13,072 | 34.8 28.0 33.3 | | +3.25 |
| 18 | 3 | Monroe Clay | 34,811 19,136 53,947 | 10,617 9,453 20,070 | 30.5 49.4 37.2 | | -5.30 |
| 19 | 3 | Lowndes | 53,483 | 17,437 | 32.7 | | -6.13 |
| 20 | 2 | Winston Noxubee Kemper | 18,982 13,760 10,170 42,852 | 7,422 9,015 5,573 22,010 | 39.1 65.8 54.8 51.36 | 43.71 | +12.86 |
| 21 | 2 | Leake Neshoba | 17,484 21,681 39,165 | 6,242 4,272 10,514 | 35.7 19.7 26.8 | | +3.10 |
| 22 | 3 | Madison Yazoo | 31,904 26,491 58,395 | 19,876 14,147 34,023 | 62.3 53.4 58.3 | 52.45 | +2.49 |
| 23 | 2 | Holmes Humphreys | 22,498 14,109 36,607 | 15,321 9,143 24,464 | 68.1 64.8 66.8 | 59.37 | -3.60 |
| 24 | 3 | Sharkey Issaquena Warren | 8,605 2,403 46,070 57,078 | 5,567 1,490 18,797 25,854 | 64.7 62.0 40.8 45.3 | | +0.18 |
| 25 | 2 | Claiborne Copiah | 10,113 25,880 35,993 | 7,544 13,018 20,562 | 74.6 50.3 57.1 | 51.3 | -5.24 |
| 26 | 1 Hinds | Twin Pines, 34-36, 42-45, 79, 80 | 19,053 | 629 | 3.30 | | +0.30 |
| 27 | 1 Hinds | 5, 8, 9, 14-17, 32, 33, 37 | 18,309 | 641 | 3.50 | | -3.59 |
| 28 | 1 Hinds | 27, 29, 38-41, 81-83, Liberty Grove | 19,265 | 6,916 | 35.9 | | +1.49 |
| 29 | 1 Hinds | 2, 4, 6, 10, 18-20, 56 | 19,589 | 15,259 | 77.9 | 75.44 | +3.14 |

| strict | Member | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|--------|------------|------------------------------|------------------|---------------------------|-----------------|----------------|-----------|
| 30 | 1 Hinds | 1, 47, 50, 51, 53, 63, 64 | 18,799 | 15,023 | 80.0 | 77.62 | -1.01 |
| 31 | 1 Hinds | 52, 54, 55, 57- 59, 66-68 | 18,206 | 4,187 | 23.0 | | -4.13 |
| 32 | 1 Hinds | 11-13, 23, 28, 30 | 18,668 | 17,342 | 92.9 | 91.94 | -1.70 |
| 33 | 1 Hinds | 21, 22, 24-26, 31, 60-62 | 18,254 | 3,322 | 18.2 | | -3.88 |
| 34 | 1 Hinds | 49, 69-76 | 18,379 | 165 | 0.9 | | -3.22 |

| District | Members | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|---------|---|--------------------------------------|------------------------------------|------------------------------|----------------|-----------|
| 35-Hinds | 1 | Tinnin, Pocahontas, Cynthia, Presidential Hills, North Clinton, Clinton 2, 3 and 4, Van Winkle 1, Midway, Flag Chapel, Browns- ville | 17,848 | - | N/A | | -6.02 |
| 36-Hinds | 1 | Byram, Old Byram, Precinct 77, Red Hill, Forest Hill, Woodville Heights, Hickory, Fairfax, Terry, Dry Grove, Chapel Hill, Briarcliff | 18,353 | - | N/A | | -3.36 |
| 37-Hinds | 1 | Bolton, Edwards, Cayuga, Utica 1 and 2, Learned, Raymond 1 and 2, Clinton 1, Van Winkle 2 | 18,128 | - | N/A | | -4.54 |
| 38 | 4 | Rankin Simpson | 51,864 20,800 72,664 | 14,574 6,531 21,105 | 28.1 31.4 29.0 | | -4.35 |
| 39 | 2 | Scott Smith | 22,292 14,404 36,696 | 7,356 2,218 9,574 | 33.0 15.4 26.1 | | -3.39 |
| 40 | 2 | Newton Jasper | 19,476 16,116 35,592 | 5,317 7,478 12,785 | 27.3 46.4 36.0 | | -6.30 |
| 41 | 4 | Lauderdale | 71,325 | 21,969 | 30.8 | | -6.11 |
| 42 | 5 | Clarke Wayne Jones | 15,413 16,965 59,021 91,399 | 5,533 5,581 14,460 25,374 | 35.9 32.9 24.5 28.0 | | -3.75 |
| 43 | 3 | Covington Lamar Pearl River | 14,380 16,925 27,772 59,077 | 4,688 2,234 5,082 12,004 | 32.6 13.2 18.3 20.3 | | +3.69 |

| District | Member | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|--------|--|--|---|--------------------------------------|----------------|-----------|
| 44 | 2 | Jefferson Davis Marion | 12,922 23,504 36,426 | 6,487 7,310 13,797 | 50.2 31.1 37.9 | | -4.10 |
| 45 | 4 | Lincoln Lawrence Pike Walthall | 26,902 11,421 33,291 12,406 84,020 | 8,259 3,678 14,482 5,049 31,468 | 30.7 32.3 43.5 40.7 37.5 | | +10.60 |
| 46 | 2 | Jefferson Franklin Amite Wilkinson | 8,806 7,989 13,106 10,708 40,609 | 6,631 3,100 6,605 7,239 23,575 | 75.3 38.8 50.4 67.6 58.1 | 51.20 | +6.90 |
| 47 | 2 | Adams | 37,639 | 18,029 | 47.9 | | -0.91 |
| 48 | 2 | Perry Greene George Stone | 9,370 8,507 13,217 8,541 39,635 | 2,464 1,872 1,533 1,964 7,833 | 26.3 22.0 11.6 23.0 19.8 | | +4.34 |
| 49A | 1 | Forrest SD1: Central School and Lillie Burney precincts, SD2: Jones precinct, SD3: East Bouie, Eaton, Walthall precincts, SD4: Rowan and Wm. Cary precincts | 20,767 | 12,931 | 62.27 | 57.16 | +9.34 |
| 49B | 1 | Forrest SD1: Blair, Woodley West Side precincts, SD2: Rawls Springs, Eatonville, Glendale, Petal-Leeville precincts SD5: Grace Christain and Pinecrest precincts | 21,076 | 608 | 2.88 | | +10.97 |

| District | Members | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|---------|--|------------------|---------------------------|-----------------|----------------|-----------|
| 49C | 1 | Forrest SD1: Dixie precinct SD2: Petal High School precinct SD3: Macadonia, Sunrise, Petal- Harvey School precincts SD4: McLaurin, McCalium, Dixie- Pine, Camps, Hawkins, A.H.S. SD5: Davis, Maxie, Brooklyn, and Carnes precincts | 19,878 | 2,000 | 10.06 | | +4.67 |
| 50 | 1 | Hancock | 18,351 | 2,606 | 14.20 | | -3.38 |
| 51A | 1 | Harrison County precincts: West No. GPT, Advance, Riceville, Vidalia, Lizana, West Orange Grove, Latimer, Pineville, Delisle, West Lyman, West Saucier, East Saucier, Poplar Head, White Plains, Peace, New Hope, East Lyman | 19,928 | 4,282 | 21.49 | | +4.93 |
| 51B | 1 | Harrison County precincts: West Pass Christain, East Pass Christain, West Long Beach, East Long Beach, GPT precincts 13, 14 | 18,377 | 3,317 | 12.09 | | -3.45 |
| 51C | 1 | Harrison County precincts: East No. GPT, GPT 1-4, 8-10 | 16,350 | 6,189 | 37.85 | | -13.92 |
| 51D | 1 | Harrison County precincts: GPT 5-7 11, 12, W.H., W.M.C. | 18,053 | 2,395 | 13.27 | | -4.95 |

| District | Member | Counties | Total 1/ Pop. | Est. '73 5/ Black Pop. | Est. % Black | Est. % BVAP | % Dev. |
|----------|--------|--|------------------|---------------------------|-----------------|----------------|-----------|
| 51E | 1 | Harrison County precincts: E.H., E.M.C., Biloxi 9-11 | 16,701 | 727 | 4.35 | | -12.07 |
| 51F | 1 | Harrison County Biloxi precinct 8 | 20,961 | 1,145 | 5.46 | | +10.37 |
| 51G | 1 | Harrison County Biloxi precincts 3-7A | 16,583 | 5,571 | 33.59 | | -12.68 |
| 51H | 1 | Harrison County Biloxi precincts 1, 2 precincts D'lberville Holly Hills, Howard Creek, East Orange Grove, Stonewall | 20,015 | 915 | 4.57 | | +5.39 |
| 52A | 1 | Jackson SD4: Latimer and St. Martin precincts SD5: minus N. Pascagoula, Fire Station and Sattelite precincts | 20,252 | 1,128 | 5.87 | | +6.63 |
| 52B | 1 | Jackson SD2, SD5: Fire Station precinct | 21,245 | 1,173 | 44.67 | | +11.86 |
| 52C | 1 | Jackson SD3, SD5: N. Pascagoula precinct | 21,200 | 3,017 | 14.22 | | +11.62 |
| 52D | 1 | Jackson SD1 | 20,878 | 2,462 | 11.79 | | +9.93 |
| 52E | 1 | Jackson SD4: minus Latimer and St. Martin precincts SD5: Sattelite precinct | 20,252 | 1,128 | 5.33 | | +6.63 |

EXHIBIT B-2

Population Projections Per District
For Hinds County 1/

| | <u>1970 Pop.</u> | <u>1973 Pop.</u> | <u>Percent Change</u> | | |
|--------------|------------------|-----------------------|-----------------------|-----------------------|---------------|
| Hinds County | 214,973 | 223,105 | +3.8% | | |
| House Dists. | <u>1970 Pop.</u> | <u>1970 Blk. Pop.</u> | <u>1973 Pop.</u> | <u>1973 Blk. Pop.</u> | <u>% Blk.</u> |
| 26 | 18,356 | 606 | 19,053 | 629 | 3.30% |
| 27 | 17,639 | 616 | 18,309 | 641 | 3.49% |
| 28 | 18,560 | 6,654 | 19,265 | 6,916 | 35.85% |
| 29 | 18,872 | 14,692 | 19,589 | 15,259 | 77.85% |
| 30 | 18,111 | 14,489 | 18,799 | 15,023 | 80.0% |
| 31 | 17,540 | 4,038 | 18,206 | 4,187 | 23.02% |
| 32 | 17,985 | 16,701 | 18,668 | 17,342 | 92.86% |
| 33 | 17,586 | 3,208 | 18,254 | 3,322 | 18.24% |
| 34 | 17,707 | 151 | 18,379 | 165 | 0.85% |
| 35 | 17,195 | ----- | 17,848 | ----- | ----- |
| 36 | 17,682 | ----- | 18,353 | ----- | ----- |
| 37 | 17,965 | ----- | 18,128 | ----- | ----- |

1/Since 1973 population information is available only on a county-wide basis; it was assumed that the increase in the county's population was evenly dispersed throughout the districts within the county.

EXHIBIT B-3

POPULATION PROJECTIONS PER DISTRICT */

| <u>District</u> | <u>1970 Pop.</u> | <u>1970 Black Pop.</u> | <u>% County Change 1970-73</u> | <u>Est. 1973 Pop.</u> | <u>Est. 1973 B. Pop.</u> |
|-----------------|------------------|------------------------|--------------------------------|-----------------------|--------------------------|
| 11A | 25,141 | 19,008 | +0.1 | 25,392 | 19,198 |
| 11B | 24,381 | 11,402 | +0.1 | 24,625 | 11,516 |
| 11C | 24,529 | 9,665 | +0.8 | 26,491 | 10,438 |
| 11D | 24,868 | 14,928 | +0.8 | 26,857 | 16,122 |
| 11E | 21,169 | 13,674 | +0.8 | 22,863 | 14,768 |
| 12A | 19,417 | 12,054 | -0.7 | 18,058 | 11,210 |
| 12B | 17,667 | 11,255 | -0.7 | 16,430 | 10,467 |
| 13A | 20,380 | 14,975 | -1.5 | 20,074 | 14,750 |
| 13B | 21,721 | 9,392 | -1.5 | 21,395 | 9,251 |
| 49A | 19,427 | 12,096 | +6.9 | 20,767 | 12,931 |
| 49B | 19,716 | 569 | +6.9 | 21,076 | 608 |
| 49C | 18,595 | 1,871 | +6.9 | 19,878 | 2,000 |
| 51A | 18,401 | 3,954 | +8.3 | 19,928 | 4,282 |
| 51B | 16,969 | 3,063 | +8.3 | 18,377 | 3,317 |
| 51C | 15,097 | 5,715 | +8.3 | 16,350 | 6,189 |
| 51D | 16,669 | 2,211 | +8.3 | 18,053 | 2,395 |
| 51E | 15,421 | 671 | +8.3 | 16,701 | 727 |
| 51F | 19,355 | 1,057 | +8.3 | 20,961 | 1,145 |
| 51G | 15,312 | 5,144 | +8.3 | 16,583 | 5,571 |
| 51H | 18,481 | 845 | +8.3 | 20,015 | 915 |

*/ Since 1973 population information is available only on a county-wide basis; it was assumed that the increase in the county's population was evenly dispersed throughout the districts within the county.

| <u>District</u> | <u>1970 Pop.</u> | <u>1970 Black Pop.</u> | <u>% County Change 1970-73</u> | <u>Est. 1973 Pop.</u> | <u>Est. 1973 B. Pop.</u> |
|-----------------|----------------------|----------------------------|------------------------------------|---------------------------|------------------------------|
| 52A | 16,910 | 993 | +18.1 | 19,971 | 1,173 |
| 52B | 17,989 | 8,036 | +18.1 | 21,245 | 9,491 |
| 52C | 17,959 | 2,555 | +18.1 | 21,200 | 3,017 |
| 52D | 17,678 | 2,085 | +18.1 | 20,878 | 2,462 |
| 52E | 17,148 | 955 | +18.1 | 20,252 | 1,128 |

EXHIBIT B-4

HOUSE COUNTY BOUNDARY PLAN: VAP COMPUTATIONS

| <u>Dist.</u> | <u>No. of Reps.</u> | <u>County(ies)</u> | <u>WHITE VAP</u> | <u>BLACK VAP</u> | <u>TOTAL VAP</u> | <u>% BLACK VAP</u> |
|--------------|-------------------------|------------------------------|--|--|----------------------|------------------------|
| 3 | 2 | Marshall Benton | 6,658 <u>2,972</u> 9,630 | 8,446 <u>1,420</u> 9,866 | 19,496 | 50.6% |
| 10 | | Coahoma Quitman | 9,129 <u>4,189</u> 13,318 | 12,608 <u>4,166</u> 16,774 | 30,092 | 55.74% |
| 11 | | Bolivar Washington | 13,209 <u>20,563</u> 33,772 | 14,796 <u>19,747</u> 34,543 | 68,315 | 50.56% |
| 11A | | Bolivar (Part) | 4,284 | 9,351 | 13,635 | 68.58% |
| 11D | | Washington (Part) | 6,818 | 8,209 | 15,027 | 54.63% |
| 11E | | Washington (Part) | 5,141 | 7,520 | 12,661 | 59.39% |
| 12A | | Sunflower (Part) | 4,761 | 5,589 | 10,350 | 54.00% |
| 12B | | Sunflower (Part) | 4,146 | 5,219 | 9,365 | 55.73% |
| 13A | | Leflore (Part) | 3,593 | 7,704 | 11,297 | 68.19% |
| 14 | | Tallahatchie | 4,998 | 5,375 | 10,373 | 51.82% |
| 20 | | Winston Noxubee Kemper | 8,042 3,218 <u>3,421</u> 14,681 | 3,969 4,521 <u>2,914</u> 11,404 | 26,085 | 43.71% |
| 22 | | Madison Yazoo | 7,960 <u>8,163</u> 16,123 | 10,375 <u>7,410</u> 17,785 | 33,908 | 52.45% |
| 23 | | Holmes Humphreys | 5,199 <u>3,322</u> 8,521 | 7,982 <u>4,470</u> 12,452 | 20,973 | 59.37% |
| 25 | | Claiborne Copiah | 1,809 <u>9,086</u> 10,895 | 4,504 <u>6,974</u> 11,478 | 22,373 | 51.30% |

| <u>Dist.</u> | <u>No. of Reps.</u> | <u>County(ies)</u> | <u>WHITE VAP</u> | <u>BLACK VAP</u> | <u>TOTAL VAP</u> | <u>% BLACK VAP</u> |
|--------------|-------------------------|--------------------|----------------------|----------------------|----------------------|------------------------|
| 29 | | Hinds | 2,940 | 9,034 | 11,974 | 75.44% |
| 30 | | Hinds | 2,564 | 8,895 | 11,459 | 77.62% |
| 32 | | Hinds | 900 | 10,268 | 11,168 | 91.94% |
| 46 | | Jefferson | 1,547 | 3,493 | | |
| | | Franklin | 3,430 | 1,723 | | |
| | | Amite | 4,543 | 3,289 | | |
| | | Wilkinson | 2,335 | 3,932 | | |
| | | | <u>11,855</u> | <u>12,437</u> | 24,292 | 51.20% |
| 49A | | Forest (Part) | 5,497 | 7,334 | 12,831 | 57.16% |

EXHIBIT C-1

Senate Restricted Fractionalization Plan

| | | |
|-----------------------------------|-----------|-----------|
| I. Total population | 2,216,912 | <u>1/</u> |
| Number of seats | 52 | |
| Ideal population per seat | 42,634 | |
| II. Deviations | | |
| Districts with more than +5% dev. | 14 | <u>2/</u> |
| Greatest minus deviation | -8.07% | <u>3/</u> |
| Greatest plus deviation | +9.60% | <u>4/</u> |
| Total deviation range | 17.67% | |

III. Description

| <u>District</u> | <u># of Reps.</u> | <u>Description</u> | <u>1/ Total Pop.</u> | <u>Black Pop.</u> | <u>% Black VAP</u> | <u>% Black VAP</u> | <u>Dev.</u> |
|-----------------|-----------------------|--|------------------------------|-----------------------|----------------------------|----------------------------|-------------|
| 1 | 2 | Monroe Beat 1, 2, 3 except Aberdeen 3d, 5 Aberdeen Prec. Lowndes Beats 1, 2, 3 Tishomingo: All Itawamba: All | 85,490 | 9,881 | 11.55 | | + .26% |
| 2 | 1 | Alcorn: All minus Beat 5 Prentiss: All | 41,390 | 5,356 | 12.94 | | - 2.91% |
| 3 | 1 | Union: All Tippah: All Alcorn Beat 5 Benton Beat 5 | 42,219 | 5,841 | 13.83 | | - .97% |
| 4 | 1 | Benton Beats 1-4 Marshall: All Tate Beats 3, 4, 5 | 41,851 | 24,027 | 57.41 | 49.80 | - 1.83 |

1/ 1970 Census Statistics.

2/ Districts 6, 10, 11, 18, 20, 22, 25, 27, 33, 35, 38, 40, 45, 46.

3/ District 35.

| District | # of Reps. | Description | <u>1/</u> Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|--|----------------------------|---------------|------------|-------------------|---------|
| 5 | 1 | Desoto: All Tate Beats 1 & 2 | 42,761 | 15,135 | 35.39 | | + .29% |
| 6 | 1 | Bolivar Beats 3 minus precinct Mound Bayou Coahoma: All | 46,392 | 30,468 | 65.67 | 59.64 | + 8.81% |
| 7 | 1 | Tallahatchie Beats 1, 4, 5 Quitman: All Tunica: All | 41,196 | 25,928 | 62.93 | 55.50 | - 3.37% |
| 8 | 1 | Tallahatchie Beats 2 & 3 Panola: All Yalobusha: All | 44,628 | 21,985 | 49.26 | | + 4.67% |
| 9 | 1 | Lafayette: All Pontotoc: All | 41,544 | 9,802 | 23.59 | | - 2.55% |
| 10 | 1 | Lee: All | 46,148 | 9,548 | 20.68 | | + 8.24% |
| 11 | 1 | Clay: All Oktibbeha Beats 2 & 5 Monroe: Beat 5 Aberdeen EDs Beat 4 All Beat 3 Precinct Aberdeen 3rd | 46,729 | 20,085 | 42.98 | | + 9.60% |
| 12 | 1 | Calhoun: All Chickasaw: All Webster: All | 41,475 | 12,042 | 29.03 | | - 2.71% |
| 13 | 1 | Carroll: All Montgomery: All Grenada: All | 42,169 | 19,248 | 45.64 | | - 1.09% |
| 14 | 1 | Leflore: All | 42,111 | 24,374 | 57.88 | 51.99 | - 1.22% |
| 15 | 1 | Washington Beat 4 Sunflower Beats 2-5 | 44,362 | 26,657 | 60.08 | 52.80 | + 4.05 |

| District | # of Reps. | Description | <u>1/</u> Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|---|----------------------------|---------------|------------|-------------------|---------|
| 16 | 1 | Bolivar Beats 1, 2, 4, 5 Beat 3 Mound Bayou | 43,464 | 26,131 | 60.12 | 51.49 | + 1.94% |
| 17 | 1 | Washington Beats 2, 3, 5 | 42,590 | 22,264 | 52.27 | 46.75 | - 0.10% |
| 18 | 1 | Holmes: All Humphreys: All Sunflower Beat 1 | 44,821 | 30,478 | 67.99 | 60.78 | + 5.12% |
| 19 | 1 | Scott Beat 4 Leake: All Attala: All | 41,102 | 15,373 | 37.40 | | - 3.59% |
| 20 | 1 | Oktibbeha remainder Choctaw: All Winston: All | 40,123 | 14,246 | 35.50 | | - 5.88% |
| 21 | 1 | Lowndes Beats 4 & 5 Noxubee: All Kemper: All | 44,201 | 32,589 | 73.70 | 67.43 | + 3.67% |
| 22 | 1 | Lauderdale Beats 1, 3, 5 | 39,898 | 9,609 | 24.08 | | - 6.41% |
| 23 | 1 | Lauderdale Beats 2, 4 Newton Beats 1, 2, 4, 5 | 42,499 | 15,194 | 35.75 | | - .31% |
| 24 | 1 | Newton Beat 3 Neshoba: All Scott 1-3, 5 | 42,509 | 13,047 | 30.69 | | - .29% |
| 25 | 1 | Yazoo Beats 1, 2, 4 Zions & Center Ridge Precincts Madison: All | 40,068 | 23,110 | 57.67 | 51.88 | - 6.01% |

| District | # of Reps. | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|--|---------------|--|---------------|---------------|------------|-------------------|---------|
| 26 | 1 | Sharkey: All Issaquena: All Washington Beat 1 Yazoo Beat 5, Beat 3 minus Zion Center & Ridge Precincts | 42,163 | 25,480 | 60.43 | 54.22 | - 1.10% |
| 27 | 1 | Warren: All | 44,981 | 18,355 | 40.81 | | + 5.50% |
| Hinds County (5 single member districts) | | | | | | | |
| 28 | 1 | Twin Pines, Liberty Grove 1, 5, 8, 9, 14-17, 32-38, 42-45, 79-82 | 42,271 | 2,150 | 5.28 | | - .85% |
| 29 | 1 | 11-13, 21-31, 39-41, 83 | 43,252 | 26,157 | 60.47 | 57.40 | + 1.44% |
| 30 | 1 | 2, 4, 6, 10, 18-20, 47, 50- 58, 53, 64 | 44,655 | 29,796 | 66.77 | 64.43 | + 4.74% |
| 31 | 1 | Alt I 49, 66-77, Byram, Old Byram, Red Hill, Forrest Hill, Woodville Heights, Hickory, Fairfax, Terry, Dry Grove Chapel Hill, Briarcliff | 41,755 | --- | --- | | - 2.06% |
| | | Alt II 49, 66-77, 59-62 Byram, Old Byram, Red Hill, Terry, Dry Grove, Chapel Hill | 42,900 | --- | --- | | + .62% |

| District | # of Reps. | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|---|---------------|---------------|------------|-------------------|---------|
| 32 | 1 | Alt I Tinnin, Pocahontas, Cynthia, Presi- dential Hills, North Clinton Clinton 2, 3, 4 Van Winkle I, Midway, Flag Chapel, Brownsville, Bolton, Edwards, Cayuga, Utica 1 & 2, Learned, Raymond 1 & 2, Clinton 1, Van Winkle 2, Prec. 59-62 | 42,569 | | | | - .15% |
| | | Alt II All of above except Prec. 59- 62, plus: Fairfax, Hickory, Woodville Heights, Briarcliff, Forrest Hill | 41,424 | | | | - 2.83% |
| 33 | 1 | Rankin: All | 44,981 | 18,355 | 40.81 | | + 5.50% |
| 34 | 1 | Smith: All Jasper: All Clarke: All | 44,604 | 14,900 | 33.41 | | + 4.62% |
| 35 | 1 | Wayne Beats 4-5 Jones Beats 1, 3, 4 | 39,191 | 9,501 | 24.24 | | - 8.07% |
| 36 | 1 | Covington: All Jeff. Davis Beats 2, 3, 4 Jones Beats 2, 5 | 43,136 | 13,580 | 31.48 | | - 1.17% |
| 37 | 1 | Jeff. Davis Beats 1 & 5 Simpson: All Lawrence: All Copiah Beat 2 | 41,539 | 14,452 | 34.79 | | - 2.56% |
| 38 | 1 | Claiborne: All Jefferson: All Copiah Beats 1, 3-5 | 39,311 | 24,898 | 63.33 | 57.47 | - 7.7% |

| District | # of Reps. | Description | ^{1/} Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|--|--------------------------------|---------------|------------|-------------------|---------|
| 39 | 2 | Pike Beats 2-5 Lincoln: All Franklin: All Adams Beats 3, 4, 5 | 83,240 | 34,198 | 41.08 | | - 2.37% |
| 40 | 1 | Amite: All Wilkinson: All Adams Beat 1 & 2 | 39,617 | 20,820 | 52.55 | 46.75 | - 7.07% |
| 41 | 1 | Marion: All Walthall: All Pike Beat 1 | 40,533 | 14,449 | 35.64 | | - 4.92% |
| 42 | 2 | Lamar: All Forrest: All Stone: All | 81,157 | 18,028 | 22.21 | | - 4.82% |
| 43 | 1 | George: All Greene: All Perry: All Wayne Beats 1-3 | 41,530 | 9,077 | 21.85 | | - 2.59% |
| 44 | 2 | Jackson: All | 87,975 | 14,258 | 16.20 | | + 3.17% |
| 45 | 3 | Harrison: All | 134,582 | 22,743 | 16.90 | | + 5.22% |
| 46 | 1 | Pearl River: All Hancock: All | 45,189 | 7,591 | 16.79 | | + 5.99% |

EXHIBIT C-2

Senate Restricted Fractionalization Plan
VAP Computations

| District | County | WVAP | BVAP | TVAP | % BVAP |
|----------|---|---------------------------------------|---------------------------------------|--------|--------|
| 4 | Benton Marshall Tate | 2,251 5,957 <u>3,750</u> | 1,323 7,578 <u>2,965</u> | | |
| | | 11,958 | 11,866 | 23,824 | 49.80 |
| 6 | Coahoma Bolivar | 9,389 <u>1,033</u> | 13,235 <u>2,170</u> | | |
| | | 10,422 | 15,405 | 25,825 | 59.64 |
| 7 | Tunica Quitman Tallahatchie | 2,140 4,330 <u>3,549</u> | 4,167 4,398 <u>3,932</u> | | |
| | | 10,019 | 12,497 | 22,516 | 55.50 |
| 14 | Leflore | 11,846 | 12,830 | 24,676 | 51.95 |
| 15 | Washington Sunflower | 3,648 <u>8,315</u> | 4,415 <u>8,968</u> | | |
| | | 11,963 | 13,383 | 25,346 | 52.80 |
| 16 | Bolivar | 11,989 | 12,728 | 24,717 | 51.49 |
| 17 | Washington | 12,909 | 11,337 | 24,246 | 46.75 |
| 18 | Holmes Humphreys Sunflower | 5,321 3,405 <u>1,269</u> | 8,219 4,645 <u>2,630</u> | | |
| | | 9,995 | 15,494 | 25,489 | 60.78 |
| 21 | Noxubee Kemper Lowndes | 3,327 3,340 <u>1,550</u> | 4,713 2,935 <u>9,367</u> | | |
| | | 8,217 | 17,015 | 25,232 | 67.43 |
| 25 | Madison Yazoo | 7,378 <u>3,815</u> | 9,680 <u>2,390</u> | | |
| | | 11,193 | 12,070 | 23,263 | 51.88 |
| 26 | Yazoo Sharkey Issaquena Washington | 4,600 2,092 682 <u>3,515</u> | 5,247 2,703 886 <u>4,063</u> | | |
| | | 10,889 | 12,899 | 23,788 | 54.22 |

| <u>District</u> | <u>County</u> | <u>WVAP</u> | <u>BVAP</u> | <u>TVAP</u> | <u>% BVAP</u> |
|-----------------|---------------|-------------|-------------|-------------|---------------|
| 29 | Hinds | 11,609 | 15,645 | 27,254 | 57.40 |
| 30 | Hinds | 9,837 | 17,821 | 27,658 | 64.43 |
| 38 | Claiborne | 1,786 | 4,491 | | |
| | Jefferson | 1,633 | 3,685 | | |
| | Copiah | 6,746 | 5,561 | | |
| | | 10,165 | 13,737 | 23,902 | 57.47 |
| 40 | Amite | 4,762 | 3,466 | | |
| | Wilkinson | 2,415 | 4,073 | | |
| | Adams | 5,417 | 3,520 | | |
| | | 12,594 | 11,059 | 23,653 | 46.75 |

EXHIBIT D-1

House of Representative: Restricted Fractionalization Plan

| | | |
|------------------------------------|-----------|-----------|
| I. Total Population | 2,216,912 | <u>1/</u> |
| Number of Seats | 122 | |
| Ideal Population Per Seat | 18,171 | |
| II. Deviations | | |
| Districts with more than + 5% dev. | 14 | <u>2/</u> |
| Greatest Minus (-) Deviation | -7.87 | <u>3/</u> |
| Greatest Plus (+) Deviation | +7.89 | <u>4/</u> |
| Total Deviation Range | 15.76% | |

III. Description

| <u>Dist.</u> | <u>#of Reps.</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Black Pop</u> | <u>% Black</u> | <u>%Black VAP</u> | <u>%Dev.</u> |
|--------------|----------------------|---|-----------------------|----------------------|--------------------|-----------------------|--------------|
| 1 | 3 | Tippah County Beats 1, 2, 4,5 Alcorn County: All Tishomingo County (All) | 54,405 | 5,636 | 10.36 | | -0.19 |
| 2 | 1 | Marshall County Remainder Beat 1 Beat 5 Benton County: All Tippah County Beat 3 | 17,660 | 6,758 | 38.26 | | -2.81 |

1/ 1970 Census.

2/ Districts 18,28,38,41,46,67,72,74,75,80,87,103,106,107.

3/ District 80.

4/ District 75.

| <u>Dist.</u> | <u>#of Reps.</u> | <u>Description</u> | <u>Total^u Pop.</u> | <u>Black Pop.</u> | <u>% Black</u> | <u>%Black VAP</u> | <u>%Dev.</u> |
|--------------|----------------------|---|-----------------------------------|-----------------------|--------------------|-----------------------|--------------|
| 3 | 1 | Marshall County Beats 2, 3, 4 Beat 1 except Prec. East of Holly Springs | 17,438 | 12,086 | 69.30 | 63.72 | - 4.03 |
| 4 | 1 | DeSoto County Beats 1, 5 Beat 4 Prec.: Nesbitt West, Fernando West, Oak Grove | 17,675 | 8,483 | 47.99 | | -2.73 |
| 5 | 1 | DeSoto County Beats 2, 3 Beat 4: Precints Days, Aldens, Entora | 18,180 | 4,128 | 22.70 | | +0.04 |
| 6 | 2 | Tunica County: All Quitman County Beat 1, 2, 3, 4 Panola County Beat 1, 2 Beat 5: North Curtis Prec. West Sardis Prec. | 35,907 | 25,127 | 69.98 | 61.26 | -1.20 |
| 7 | 1 | Tate County: All | 18,544 | 8,760 | 47.20 | | +2.50 |
| 8 | 1 | Lafayette County Beats 3, 4 Yalobusha County | 18,574 | 6,352 | 34.20 | | +2.21 |
| 9 | 1 | Calhoun County Beats 1, 3 Lafayette County S.D. 1, S.D. 2 S.D. 5 | 18,278 | 4,706 | 25.75 | | +0.58 |

| <u>Dist.</u> | <u>#of Reps.</u> | <u>Description</u> | <u>Total^u Pop.</u> | <u>Black Pop.</u> | <u>% Black</u> | <u>%Black VAP</u> | <u>%Dev.</u> |
|--------------|----------------------|---|-----------------------------------|-----------------------|--------------------|-----------------------|--------------|
| 10 | 1 | Union County: All Pontotoc County | 36,459 | 6,041 | 16.56 | | +0.32 |
| 11 | 1 | Lee County Beat 1, 2 | 18,426 | 3,750 | 20.35 | | +1.40 |
| 12 | 2 | Prentiss County: All Itawamba County: All | 36,980 | 3,304 | 8.93 | | +3.51 |
| 13 | 1 | Lee County Beats 3, 5 | 18,446 | 3,813 | 20.67 | | +1.51 |
| 14 | 1 | Monroe County Beats 1, 5 Beat 2: Minus Athens Precinct, Minus Becker Precinct | 18,762 | 3,953 | 21.06 | | +3.25 |
| 15 | 1 | Lee County Beat 4 Chickasaw County Beat 3, 4 SD 2: Minus West Houlka Prec. East Houlka Prec. | 17,870 | 5,061 | 28.32 | | -1.66 |
| 16 | 1 | Chickasaw County Beats 1, 5 Calhoun County: Beats 3,4,5 Beat 2- W. Houlka Prec, E. Houlka Prec. | 17,294 | 5,189 | 30.00 | | -4.83 |
| 17 | 1 | Yalobusha County Beats 3, 4 Panola County SD 3, SD 4 SD 5: Minus North Curtis Prec. West Sardis Prec. North Sardis West Batesville 1 and 3 | 18,410 | 5,653 | 30.7 | | +1.31 |

| Dist. | # of Reps. | Description | Total ^u Pop. | Black Pop. | % Black | %Black VAP | %Dev. |
|-------|---------------|---|----------------------------|---------------|------------|---------------|-------|
| 18 | 1 | Tallahatchie County Beats 1, 2, 3, 5 Quitman County Beat 5 | 17,010 | 11,868 | 69.77 | 62.38 | -6.39 |
| 19 | 1 | Coahoma County *SD 4: Clarksdale Prec. *SD 1 Minus Clarks- dale Prec. *SD 3 | 18,619 | 14,162 | 76.06 | 70.85 | +2.46 |
| 20 | 1 | Coahoma County *SD 1: Clarksdale Precinct *SD 2 *SD 5: Clarksdale Precinct | 17,727 | 8,111 | 45.75 | | -2.45 |
| 21 | 1 | Coahoma County Minus Clarksdale Precinct Beat 5: Minus Clarksdale Prec. Bolivar County Beat 3 Beat 4: Merigold Prec. | 17,547 | 13,801 | 78.65 | 72.58 | -3.43 |
| 22 | 1 | Bolivar County Beat 4: North Cleveland Prec., East Cleveland Prec., Beat 5: Boyle Prec., Beat 2: West Cleveland Prec., East Central Cleveland Prec., Central Cleveland Prec. | 18,676 | 7,590 | 40.64 | | +2.77 |
| 23 | 1 | Bolivar County Beat 1 Beat 2: Longshot Prec., Pace Prec. Beat 5: Minus Boyle Pres. | 17,441 | 12,219 | 70.05 | 62.23 | -4.02 |

*SD here means supervisor district or beat.

| Dist. | # of Reps. | Description | Total ^u Pop. | Black Pop. | % Black | %Black VAP | %Dev. |
|-------|---------------|--|----------------------------|---------------|------------|---------------|-------|
| 24 | 1 | Sunflower County Beat 5, Beat 4: Minus Boyer Prec., Doddsville Prec. Tallahatchie County Beat 4 | 17,944 | 7,287 | 43.61 | | -1.25 |
| 25 | 1 | Grenada County Beats: 1, 3, 4, 5 | 18,504 | 7,865 | 42.5 | | +1.83 |
| 26 | 1 | Leflore County Beat 1: North Green- wood Prec. Beat 2: All Beat 3: West Green- wood Prec. Beat 5: Southeast Cleveland Prec. | 18,439 | 6,381 | 35.11 | | +1.48 |
| 27 | 1 | Montgomery County Beat 1, 2, 5 Carroll County: All Grenada County Beat 2 | 18,780 | 8,146 | 43.37 | | +3.35 |
| 28 | 1 | Choctaw County Beat 2 Webster County: All Montgomery County Beat 3, 4 | 17,160 | 4,769 | 27.70 | | -5.47 |
| 29 | 1 | Clay County | 18,840 | 9,306 | 49.40 | | +3.68 |
| 30 | 1 | Monroe County Beat 2 (Remainder) Beat 3, 4 Lowndes County Beat 1: Caladonia Prec. | 18,230 | 6,684 | 36.66 | | +0.32 |
| 31 | 1 | Lowndes County Beat 1 Minus Caladonia Prec. Beat 2 | 18,654 | 3,202 | 17.16 | | +2.65 |

| Dist. | #of Reps. | Description | Total ^{1/} Pop. | Black Pop. | % Black | %Black VAP | %Dev. |
|-------|--------------|---|-----------------------------|---------------|------------|---------------|-------|
| 32 | 1 | Lowndes County Beat 3, Beat 5 Precincts: Hunt School, Carrier Lodge Beat 4: Coleman School Precinct | 18,749 | 6,446 | 34.38 | | +3.18 |
| 33 | 1 | Lowndes County Beat 4 (Remain- der) Beat 5 (Remain- der) Noxubee Beats 1, 2, 3 | 17,895 | 11,782 | 65.83 | 59.47 | -1.52 |
| 34 | 1 | Noxubee County Beats 4, 5 Kemper County: All Lauderdale County: Precincts: East Lauderdale Lauderdale Dalewood Lockhart Kewanee | 17,895 | 10,338 | 57.70 | 50.01 | -1.51 |
| 35 | 1 | Oktibbeha County Beat 1, 2 | 17,364 | 4,766 | 27.44 | | -4.45 |
| 36 | 1 | Oktibbeha County Beats 3, 4, 5 Choctaw County: All Minus Beat 2 | 18,556 | 7,373 | 39.73 | | +2.11 |
| 37 | 1 | Winston County: All | 18,406 | 7,198 | 39.10 | | +1.29 |
| 38 | 1 | Attala County: All | 19,570 | 7,903 | 40.40 | | +7.69 |
| 39 | 1 | Holmes County Beats 1, 2, 3, 4 | 18,539 | 12,243 | 66.03 | 58.31 | +2.02 |
| 40 | 1 | Leflore County Beat 3: Minus Central Green- wood Prec. Beat 4: Minus South Itta Bena Prec. and North Itta Bena Prec. Beat 5: Minus Southeast Green wood Prec. Holmes County Beat 5 | 18,376 | 14,053 | 76.49 | 71.18 | +1.13 |

| Dist. | #of Reps. | Description | Total ^{1/} Pop. | Black Pop. | % Black | %Black VAP | %Dev. |
|-------|--------------|--|-----------------------------|---------------|------------|---------------|-------|
| 41 | 1 | Leflore County Beat 1: Minter City Prec. Sunflower County Beat 3: Schlater Precinct Beat 4: North Itta Bena Precinct, South Itta Bena Precinct, Doddsville Prec., Boyer Prec. Beat 2 | 19,116 | 13,936 | 72.90 | 66.72 | +5.20 |
| 42 | 1 | Sunflower County Beat 1, 3 Beat 2 Indianola Precinct. | 17,639 | 11,526 | 65.34 | 57.49 | -2.93 |
| 43 | 1 | Washington County Beat 4: Prec. Leland Com. Cen. Leland City Hall County Garage Beat 5: Fulton Co. Prec. | 17,852 | 11,510 | 64.47 | 59.27 | -1.76 |
| 44 | 1 | Washington County Beat 1: County Ext. Precinct Beat 2: Brown's Rec. Center Precinct Beat 3: Police Station Precinct American Legion Prec. | 19,069 | 11,368 | 59.6 | 54.20 | +4.94 |
| 45 | 1 | Washington County Beat 1: Episcopal Church Precinct Swifter Store prec. Beat 2: Woods Rec. Center prec. Beat 3: Brent Cen. & Italian Club Prec. Beat 5: Municipal Airport Precinct | 17,302 | 5,573 | 32.21 | | -4.79 |

| Dist. | # of Reps. | Description | Total ^{1/} Pop. | Black. Pop. | % Black | %Black VAP | % Dev. |
|-------|---------------|--|-----------------------------|----------------|------------|---------------|--------|
| 46 | 1 | Washington County Beat 1: Glenn Allen: Beat 2-Avon Health prec., Arcola Health Cl. prec. Sharkey County: All | 19,270 | 11,872 | 66.60 | 54.71 | +6.04 |
| 47 | 1 | Humphreys County Beat 1, 2, 3 Washington County Beat 5: Hollandale City Hall Prec. County Store Prec. Unnamed precinct | 17,896 | 11,936 | 66.69 | 60.11 | -1.52 |
| 48 | 1 | Yazoo County Beat 3 Minus Precincts: Ro- binette, Cen. Ridge, Valley Humphreys County Beat 3, Beat 4 | 17,309 | 9,775 | 56.47 | 50.31 | -4.75 |
| 49 | 1 | Madison County Beat 2, 3, Beat 5: Minus Madisonville Precinct Yazoo County Beat 1: Dover and East Betonville Precincts Beats 2, 4 | 18,034 | 10,646 | 59.70 | 53.94 | -0.76 |
| 50 | 1 | Madison County Beat 1, 4 Beat 5: Madison- ville Prec. | 18,492 | 11,916 | 64.43 | 58.83 | -1.76 |
| 51 | 3 | Scott County Beat 1, 3, 4 Leake County: All Neshoba County: All | 51,801 | 14,514 | 28.01 | | -4.98 |

| Dist. | # of Reps. | Description | Total 1/ Pop. | Black Pop. | % Black | % Black VAP | % Dev. |
|-------|---------------|---|------------------|---------------|------------|----------------|--------|
| 52 | 1 | Lauderdale County SD2: minus precincts East Lauderdale, Lauderdale, Ponta, Dalewood, Lockhart, Kewanee, #6 Meridian SD5: minus #14 Meridian, #15 Meridian Beat 1: prec. 1-4 | 18,913 | 3,447 | 18.22 | | +4.08 |
| 53 | 1 | Lauderdale County Meridian: precincts 6, 9, 13, 14, 15 | 17,604 | 10,920 | 62.03 | 56.84 | -3.13 |
| 54 | 1 | Lauderdale County Beat 1 minus: prec. 1-4 Beat 2 Ponta precinct Beat 3 minus: #9 Meridian, Suqualena, Schamberville, Collinsville | 18,134 | 3,195 | 17.61 | | -0.21 |
| 55 | 1 | Lauderdale County Beat 3 Suqualena, Schamberville, Collinsville Beat 4 minus: #13 Meridian Newton Beat 2, 5 | 17,510 | 3,931 | 22.45 | | -3.74 |
| 56 | 1 | Newton County Beat 1, 3, 4 Scott County Beat 2, 5 | 19,057 | 5,949 | 31.21 | | +4.87 |
| 57 | 1 | Rankin County Beat 3: Cato prec. Beat 2, 4, Beat 5: Antioch, Maryton, Puckett, Johns and Dobson precincts | 18,566 | 5,339 | 28.75 | | +2.17 |

| Dist. | # of Reps. | Description | Total 1/ Pop. | Black Pop. | % Black | % Black VAP | %Dev. | Dist. | # of Reps. | Description | pop. | pop. | % Black | %Black VAP | % Dev |
|-------|---------------|---|------------------|---------------|------------|----------------|-------|-------|---------------|---|--------|--------|------------|---------------|-------|
| 58 | 1 | Hinds County Twin Pines, 34-36, 42-45, 79, 80 | 18,356 | 606 | 3.30 | | +0.30 | 68 | 1 | Hinds County Byram, Old Byram, Precinct 77, Red Hill, Forest Hill, Woodville Heights, Hickory, Fairfax, Terry, Dry Grove, Chapel Hill, Briarcliff | 17,682 | --- | N/A | | -3.36 |
| 59 | 1 | Hinds County 5, 8, 9, 14-17, 32-33, 37 | 17,639 | 616 | 3.50 | | -3.59 | 69 | 1 | Hinds County Bolton, Edwards, Cayuga, Utica 1 and 2, Learned, Raymond 1 & 2, Clinton 1, Van Winkle II | 17,965 | --- | N/A | | -4.54 |
| 60 | 1 | Hinds County 27, 29, 38-41, 81-83, Liberty Grove | 18,560 | 6,654 | 35.90 | | +1.49 | 70 | 1 | Issaquena County: All Warren County Beat 1: minus ED's 2, 5, 6 Beat 5: ED 44 Yazoo County Beat 1: precincts: Sataria, Phoenix, Mechanicsburg, West Bentonia Beat 3: precincts: Center Ridge, Valley, Robinette | 17,971 | 8,242 | 45.86 | | -1.11 |
| 61 | 1 | Hinds County 2, 4, 6, 10, 18-20, 56 | 18,872 | 14,692 | 77.90 | 75.44 | +3.14 | 71 | 1 | Warren County ED's 11-34 | 18,537 | 11,469 | 61.87 | 59.20 | +2.01 |
| 62 | 1 | Hinds County 1, 47, 50, 51, 53, 63, 64 | 18,111 | 14,489 | 80.00 | 77.62 | -1.01 | 72 | 1 | Warren County Beat 1: ED's 2, 5 Beat 4: ED's 35, 36, 37 Beat 5: All minus ED 44 | 17,256 | 2,960 | 17.15 | | -5.04 |
| 63 | 1 | Hinds County 52, 54, 55, 57-59, 66-68 | 17,540 | 4,038 | 23.00 | | -4.13 | | | | | | | | |
| 64 | 1 | Hinds County 11-13, 23, 28, 30 | 17,985 | 16,701 | 92.94 | 91.94 | -1.70 | | | | | | | | |
| 65 | 1 | Hinds County 21, 22, 24-26, 31, 60-62 | 17,586 | 3,208 | 18.20 | | -3.88 | | | | | | | | |
| 66 | 1 | Hinds County 49, 69-76 | 17,707 | 151 | 0.90 | | -3.22 | | | | | | | | |
| 67 | 1 | Hinds County Tinnin, Pocahontas, Cynthia, Presiden- tial Hills, North Clinton, Clinton 2, 3 and 4, Van Winkle I, Midway, Flag Chapel, Brownsville | 17,195 | --- | N/A | | -6.02 | | | | | | | | |

| District | # of Reps. | Description | Total ^u Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|---|----------------------------|---------------|------------|-------------------|--------|
| 73 | 1 | Claiborne Co. Beats 1, 2, 3, 4 Jefferson: All | 17,777 | 13,493 | 75.90% | 47.76 | -2.17% |
| 74 | 1 | Copiah Co. Beats 1, 4, 5 Claiborne Co. Beat 5 | 16,969 | 9,223 | 54.35% | 71.73 | -6.62% |
| 75 | 1 | Simpson Co. Beats 3,4,5 Rankin Co. Beat 1 | 19,606 | 5,852 | 29.84% | | +7.89% |
| 76 | 1 | Rankin Co. Beat 3 Minus Cato precinct Beat 5 Minus Antioch, Mayton, Puckett Johns and Dobson precincts | 18,080 | 5,358 | 29.63% | | - .50% |
| 77 | 1 | Smith Co. Beats 1,2,3,4 Simpson Co. Beats 1,2 | 18,425 | 3,535 | 19.18% | | +1.39% |
| 78 | 1 | Smith Co. Beat 5 Jasper Co.: All | 18,778 | 8,250 | 43.93% | | +3.34% |
| 79 | 1 | Wayne Co. Beat 4 Clarke: All | 18,158 | 6,417 | 35.33% | | -.08% |
| 80 | 1 | Greene Co. Beats 2,5 Wayne Co. Beats 1,2,3,5 | 16,724 | 5,641 | 31.04% | | -7.87% |
| 81 | | Jones Co. Beat 2: Harper Transfer Precinct Beat 3: Precincts: Sanoy Gavin, North Davis School, Glade, Northeast, Myrick, Rustin, Erata Beat 4: Fairgrounds Precinct Beat 5: City Barn Precinct | 18,154 | 9,548 | 52.59% | | -.01% |

| District | # of Reps. | Description | Total ^y Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|--|----------------------------|---------------|------------|-------------------|--------|
| 82 | 1 | Jones Co. Beat 1: pre- cincts: Madison School, 26th St. Fire Station, Lamar School, West, Rural and Sanderville, Sharon, Shady Grove Beat 2: precincts Courthouse, Prentice. Beat 3: Sanderville precinct Beat 5: Precincts: Stone Deavours, Maddox School | 19,076 | 765 | 4.01% | | +4.98% |
| 83 | 1 | Covington Co. Beat 1,2,3 Jones Co. Beat 1: precincts Gitano, Matthews, Beat 2: Minus precincts: Courthouse, Prentiss, Harpers Transfer Beat 5: minus precincts Stone Deavours, Maddox School, City Barn | 18,766 | 3,602 | 19.62 | | +3.27% |
| 84 | 1 | Covington Co. Beat 4,5 Jefferson Davis: all | 18,527 | 9,436 | 50.93% | 45.36 | +1.95% |
| 85 | 1 | Lawrence Co. Beat 1,2,3,4 Copiah Co. Beat 2,3 | 18,681 | 7,582 | 40.48% | | +2.80% |
| 86 | 2 | Pike Co. Beat 1: Allman's Garage Precinct, Progress Library Precinct Beat 2: Pricedale Community Center Precinct Holmesville Comm. Center Pre. Lincoln Co: All Franklin Co.: Beats 2,3,4,5 | 36,467 | 13,584 | 37.25% | | +0.34% |

| District | # of Reps. | Description | Total ¹¹ Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|---|-----------------------------|---------------|------------|-------------------|--------|
| 87 | 1 | Adams Co. Beat 2 minus Carpenter #1 precinct Beats 3, 5 | 19,386 | 6,524 | 33.00% | | +6.68% |
| 88 | 1 | Adams Co. Beats 1,4 Beat 2: Carpenter #1 precinct | 17,936 | 11,341 | 62.23% | 59.47 | -1.30% |
| 89 | 1 | Wilkinson Co. All Amite Co. Beats 2,3 Franklin Co. Beat 1 | 18,217 | 11,391 | 67.52% | 57.02 | +0.25% |
| 90 | 1 | Amite Co. Beats 1,4,5 Pike Co., Beat 2 Beat 5 minus Old Rueffs Nursing Home Precinct, School Admin. Bldg. Precinct | 17,805 | 8,240 | 46.27% | | -2.02% |
| 91 | 1 | Pike County Beat 1 minus precincts: Allman's Garage Progress Library Beat 2 minus precincts: Princedale Comm. Center, Holmesville Comm. Center Beat 4 Beat 5: Old Rueff's Nursing Home Prec., School Admins. Bldg. Precinct | 18,338 | 7,198 | 39.25% | | +0.91% |
| 92 | 1 | Marion Co. Beat 3 Lawrence Co. Beat 3 Walthall Co: All | 18,755 | 6,766 | 36.07% | | +3.21% |
| 93 | 1 | Marion Co. Beats 1,2,4,5 | 18,433 | 5,660 | 30.70% | | +1.44% |
| 94 | 1 | Lamar Co.: All Forrest Co. Beat 1: Dixie Precinct Beat 4: A.H.S. Precinct Beat 5 precincts: Maxie, Brooklyn, Carnes | 18,141 | 2,242 | 12.35% | | -0.16% |

| District | # of Reps. | Description | Total ¹¹ Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|---|-----------------------------|---------------|------------|-------------------|--------|
| 95 | 1 | Forrest Co. Beat 1: Blair pre- cinct, Woodly precinct, West Side precinct Beat 2: Rawls Springs Precinct Eatonville pre- cinct Beat 5: Grace Christian precinct Pine Crest precinct Thames precinct | 18,584 | 310 | 1.66% | | +2.27% |
| 96 | 1 | Forrest Co. Beat 1: Lillie Burney precinct, Cent. Sch. prec. Beat 2: Jones pre- cinct, Beat 3: East Bowie precinct, Eaton Pre- cinct, Walthall pre- cinct Beat 4: William Carey precinct, Rowan pre- cinct | 17,427 | 11,693 | 67.09% | 61.96 | -4.10% |
| 97 | 1 | Forrest Co. Beat 2: precincts: Petal High School, Petal- Leeville, Glendale Beat 3 precincts: Macadonia, Sunrise, Petal-Harvey Sch. Beat 4 precincts: McLaurin, McCalium, Dixie Pine Camps, Hawkins Beat 5: Davis precinct | 18,906 | 1,939 | 10.25% | | +4.04% |
| 98 | 1 | Perry County: All Jones Co. Beat 3: Tuckers precinct Beat 4: minus Fairgrounds precinct | 17,837 | 3,827 | 21.45% | | -1.84% |
| 99 | 1 | George Co. All Greene Co. Beats 1,3,4 | 17,729 | 2,134 | 12.03% | | -2.44% |
| 100 | 1 | Jackson Co. Beat 1 | 17,678 | 2,085 | 11.79% | | -2.72% |

| District | # of Reps. | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|---------------|--|---------------|---------------|------------|-------------------|--------|
| 101 | 1 | Jackson Co. Beat 2 Beat 5: Fire Station precinct | 17,989 | 8,036 | 44.67% | | -1.01% |
| 102 | 1 | Jackson Co. Beat 3 Beat 5: N. Pascagoula prec. | 17,959 | 2,555 | 14.22% | | -1.17% |
| 103 | 1 | Jackson Co. Beat 4 minus precincts: Latimer S. Fountainbleau S. Gautier | 18,332 | 978 | 5.33% | | +0.88% |
| 104 | 1 | Jackson Co. Beat 4 precincts: Latimer, S. Fountain- bleau, S. Gautier Beat 5 minus precincts: N. Pascagoula, Fire Sta., Harrison Co. precincts: East Saucier, Popular Head, White Plains, Peace, New Hope, Stonewall | 18,280 | 1,150 | 6.29% | | +0.59% |
| 105 | 1 | Harrison Co. Biloxi precincts: 2-7A | 18,343 | 5,427 | 25.59% | | +0.94% |
| 106 | 1 | Harrison Co. Biloxi precinct 8 | 19,355 | 1,052 | 5.36% | | +6.51% |
| 107 | 1 | Harrison Co. Holly Hills, D'Ibberville, Howard Creek Biloxi precincts: 1,9,10,11 | 19,126 | 156 | 0.82% | | +5.26% |
| 108 | 1 | Harrison Co. GPI Precincts: 7,11,12 W.H., WMC, EMC, EH | 17,912 | 1,643 | 9.60% | | -1.42% |
| 109 | 1 | Harrison Co. GPT Precincts: West No GPT East No GPT 3, 4,5,6,8,9,10 | 18,773 | 9,042 | 48.18% | | +3.26% |

| District | # of Rep. | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Dev. |
|----------|--------------|--|---------------|---------------|------------|-------------------|--------|
| 110 | 1 | Harrison Co. precincts: West Pass Christian East Pass " " West Long Beach East Long Beach GPT precincts 1,2,13,14 | 19,411 | 3,070 | 15.81% | | +6.80% |
| 111 | 1 | Harrison Co. precincts: West Saucier, Advance, Riveville, West Lyman, West Orange Grove, Vidula Ladner, Pineville, East Orange Grove, East Lyman, Lizana | 17,906 | 1,221 | 6.81% | | -1.46% |
| 112 | 1 | Hancock Co: All | 17,387 | 2,467 | 14.2% | | -4.32% |
| 113 | 2 | Pearl River Co.: All Stone Co: All | 35,903 | 6,958 | 19.4% | | -1.21% |

EXHIBIT D-2

House Restricted Fractionalization Plan
VAP Computations

| Dist. | County(ies) | WVAP | BVAP | TVAP | %BVAP |
|-------|--------------|--------------|--------------|--------|--------|
| 3 | Marshall | 3,503 | 6,151 | 9,654 | 63.72% |
| 6 (2) | Panola | 2,251 | 3,729 | | |
| | Quitman | 1,903 | 2,056 | | |
| | Tunica (all) | 2,140 | 4,167 | | |
| | | <u>6,294</u> | <u>9,952</u> | 16,246 | 61.26% |
| 18 | Tallahatchie | 2,555 | 5,119 | | |
| | Quitman | 877 | 574 | | |
| | | <u>3,432</u> | <u>5,693</u> | 9,125 | 62.38% |
| 19 | Coahoma | 2,940 | 7,149 | 10,089 | 70.85% |
| 21 | Coahoma | 621 | 1,615 | | |
| | Bolivar | 1,940 | 5,164 | | |
| | | <u>2,561</u> | <u>6,779</u> | 9,340 | 72.58% |
| 23 | Bolivar | 3,612 | 5,952 | 9,564 | 62.23% |
| 33 | Lowndes | 2,249 | 3,202 | | |
| | Noxubee | 1,907 | 2,895 | | |
| | | <u>4,156</u> | <u>6,097</u> | 10,253 | 59.47% |
| 34 | Noxubee | 1,420 | 1,841 | | |
| | Kemper (all) | 3,340 | 2,935 | | |
| | Lauderdale | 615 | 602 | | |
| | | <u>5,375</u> | <u>5,378</u> | 10,753 | 50.01% |
| 39 | Holmes | 4,561 | 6,378 | 10,939 | 58.31% |
| 40 | LeFlore | 2,187 | 5,513 | | |
| | Holmes | 783 | 1,824 | | |
| | | <u>2,970</u> | <u>7,337</u> | 10,307 | 71.18% |
| 41 | Leflore | 1,577 | 3,881 | | |
| | Sunflower | 1,977 | 3,243 | | |
| | | <u>3,554</u> | <u>7,124</u> | 10,678 | 66.72% |
| 42 | Sunflower | 4,250 | 5,747 | 9,997 | 57.49% |

| Dist. | County | WVAP | BVAP | TVAP | %BVAP |
|-------|-----------------|--------------|--------------|--------|--------|
| 43 | Washington | 4,028 | 5,861 | 9,889 | 59.27% |
| 44 | Washington | 4,891 | 5,789 | 10,680 | 54.20% |
| 46 | Washington | 2,693 | 3,078 | | |
| | Sharkey (all) | 2,092 | 2,703 | | |
| | | <u>4,785</u> | <u>5,781</u> | 10,566 | 54.71% |
| 47 | Washington | 1,042 | 2,249 | | |
| | Humphreys | 2,891 | 3,677 | | |
| | | <u>3,933</u> | <u>5,926</u> | 9,859 | 60.11% |
| 48 | Yazoo | 4,440 | 4,104 | | |
| | Humphreys | 549 | 948 | | |
| | | <u>4,989</u> | <u>5,052</u> | 10,041 | 50.31% |
| 49 | Madison | 2,523 | 3,462 | | |
| | Yazoo | 2,283 | 2,166 | | |
| | | <u>4,806</u> | <u>5,628</u> | 10,434 | 53.94% |
| 50 | Madison | 4,352 | 6,220 | 10,572 | 58.83% |
| 53 | Lauderdale | 4,733 | 6,234 | 10,967 | 56.84% |
| 61 | Hinds | 2,940 | 9,034 | 11,974 | 75.44% |
| 62 | Hinds | 2,564 | 8,895 | 11,459 | 77.62% |
| 64 | Hinds | 900 | 10,268 | 11,168 | 91.94% |
| 71 | Warren | 4,553 | 6,607 | 11,160 | 59.20% |
| 73 | Copiah | 5,066 | 4,392 | | |
| | Claiborne | 408 | 612 | | |
| | | <u>5,474</u> | <u>5,004</u> | 10,478 | 47.76% |
| 74 | Claiborne | 1,348 | 3,879 | | |
| | Jefferson (all) | 1,633 | 3,685 | | |
| | | <u>2,981</u> | <u>7,564</u> | 10,545 | 71.73% |
| 81 | Jones | 5,861 | 5,355 | 11,216 | 47.74% |
| 84 | Covington | 1,752 | 1,490 | | |
| | Jefferson Davis | 4,315 | 3,546 | | |
| | (all) | <u>6,067</u> | <u>5,036</u> | 11,103 | 45.36% |
| 88 | Adams | 4,265 | 6,258 | 10,523 | 59.47% |
| 89 | Wilkinson (all) | 2,415 | 4,073 | | |
| | Amite | 1,719 | 1,488 | | |
| | Franklin | 474 | 553 | | |
| | | <u>4,608</u> | <u>6,114</u> | 10,722 | 57.02% |
| 96 | Forrest | 4,022 | 6,552 | 10,574 | 61.96% |

EXHIBIT E

1960-1970 Population Changes in Counties which are Majority Black

| County | <u>1/</u> Total Pop. Change 1960-1970 | | <u>2/</u> Total Pop. Change 1970-1973 | | <u>1/</u> Total Black Change 1960-1970 | |
|-----------------|---|---------|---|---------|--|---------|
| | Number | Percent | Number | Percent | Number | Percent |
| Amite | -1810 | -11.62 | - 657 | -4.8 | -1498 | -17.75 |
| Bolivar | -5055 | - 9.28 | + 63 | +0.1 | -6325 | -17.25 |
| Carroll | -1780 | -15.93 | - 36 | -0.4 | -1721 | -26.51 |
| Claiborne | - 759 | - 7.00 | + 27 | +0.3 | - 717 | - 8.70 |
| Coalhoma | -5765 | -12.48 | -1682 | -4.2 | -5427 | -17.26 |
| Copiah | -2302 | - 8.51 | +1116 | +4.5 | -1621 | -11.53 |
| Holmes | -3976 | -14.67 | - 622 | -2.7 | -3745 | -19.22 |
| Humphreys | -4492 | -23.53 | - 492 | -3.4 | -3840 | -28.87 |
| Issaquena | - 839 | -23.46 | - 334 | -12.2 | - 701 | -29.22 |
| Jefferson | - 847 | - 8.35 | - 489 | -5.3 | - 656 | - 8.57 |
| Jefferson Davis | - 604 | - 4.46 | - 14 | -0.1 | - 911 | -12.30 |
| Kemper | -2044 | -16.65 | - 63 | -0.6 | -1600 | -22.19 |
| Leflore | -5031 | -10.67 | - 639 | -1.5 | -5933 | -19.58 |
| Madison | -3167 | - 9.62 | +2167 | +7.3 | -5082 | -21.51 |
| Marshall | - 476 | - 1.94 | +2743 | +11.4 | -2348 | -13.62 |
| Noxubee | -2538 | -15.08 | - 588 | -4.1 | -2667 | -22.11 |
| Panola | -1962 | - 6.81 | + 631 | +2.4 | -2463 | -15.19 |
| Quitman | -5131 | -24.41 | - 701 | -4.4 | -4134 | -31.20 |
| Sharkey | -1801 | -16.77 | - 332 | -3.7 | -1685 | -22.56 |
| Sunflower | -8703 | -19.02 | - 246 | -0.7 | -7594 | -24.61 |
| Tallahatchie | -4743 | -19.70 | - 731 | -3.8 | -3768 | -24.47 |
| Tunica | -4572 | -29.55 | - 640 | -5.4 | -4701 | -35.31 |

| County | <u>1/</u> Total Pop. Change 1960-1970 | | <u>2/</u> Total Pop. Change 1970-1973 | | <u>1/</u> Total Black Change 1960-1970 | |
|------------|---|---------|---|---------|--|---------|
| | Number | Percent | Number | Percent | Number | Percent |
| Washington | -8057 | -10.25 | + 577 | +0.8 | -4637 | -10.76 |
| Wilkinson | -2136 | -16.14 | - 391 | -3.5 | -1929 | -20.46 |
| Yazoo | -4349 | -13.74 | - 823 | -3.0 | -4180 | -22.28 |

1/ Figures for 1960 were taken from 1960 Census PC(1)-26B, Table 28; figures for 1970 were taken from 1970 Census PC(1)-B26, Table 36.

2/ Figures derived from Population Estimates for 1973 (Census Series P-25, #569).

EXHIBIT F

Counties for which voting precinct information has not been acquired.

I. Counties for which it was indicated that no precinct map(s) were available: (20)

Amite
Choctaw
Covington
Franklin
Humphreys
Issaquena
Itawamba
Jefferson
Lawrence
Pontotoc
Prentiss
Sharkey
Stone
Tallahatchie
Tippah
Union
Walthall
Warren
Wayne
Yalobusha

II. Counties which have provided beat map only: (8)

Calhoun
Claiborne
Hancock
Holmes
Jefferson Davis
Neshoba
Noxubee
Oktibbeha

III. Counties for which it was indicated that a precinct map(s) would be mailed: (9)

Alcorn
Attala
Carroll
Greene
Grenada
Jasper
Kemper
Leake
Tishomingo

[Certificate of Service Omitted]

[Map Exhibits Omitted]

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Jan. 26, 1976]

[Caption Omitted]

REQUEST FOR HEARING DATE

The United States hereby moves that this Court establish February 10, 1976, as the date for a hearing on the plans for permanent apportionment of the State of Mississippi and any other matters now pending in this cause before the Court.

/s/ Gerald W. Jones
GERALD W. JONES
MICHAEL D. JOHNSON
Attorneys
Department of Justice
Washington, D.C. 20530

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Jan. 29, 1976]

PEGGY J. CONNOR, ET AL., PLAINTIFFS

v.

WILLIAM L. WALLER, ET AL., DEFENDANTS

AND

UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR

ORDER

In this case the United States has moved the Court to establish February 10, 1976, as the date for hearing on the plans for permanent apportionment of the State of Mississippi and any other matters now pending in this cause before this Court.

Nothing could hardly give this Court any more satisfaction than to be able to hear and decide this case, putting an end, hopefully, to the litigation which has been running for ten years with numerous decisions which we shall not pause here to recite.

It had been the declared intention of this Court to bring the instant litigation to a decision no later than February 1, 1976.

In the meantime, events have occurred which lead the Court to believe that it most likely is about to receive some badly needed guidance from the Supreme Court of the United States on the perplexing issues involved in this case, the chief of which is impermissible dilution and minimization of the black vote.

The Supreme Court has granted certiorari or noted jurisdiction in the following three cases: *United Jewish Organization of Williamsburgh, Inc. v. Wilson*, 2 Cir., 1975, 510 F.2d 512, *cert. granted sub nom.* *United Jewish Organization of Williamsburgh, Inc. v. Carey*, 44 U.S. L.W. 3279 (November 11, 1975); *Beer v. United States*, D.C. D.C., 1974, 374 F. Supp. 363, *prob. juris. noted*, 419 U.S. 822, 95 S.Ct. 37, 42 L.Ed.2d 45; *Zimmer v. McKeithen*, 5 Cir., 1973, 485 F.2d 1297 (en banc) *cert. granted sub nom.* *East Carroll Parish School Board v. Marshall*, 1975, 422 U.S. 1055, 95 S.Ct. 2677, 45 L.Ed. 2d 707.

The *Beer* case has already been orally argued. In the light of the foregoing, it is ORDERED

That further hearing and decision of this case will be deferred until the Supreme Court shall have decided the above cases and until this Court can hear the case in the light of any rules, standards, or other guidance which may appear in said decisions.

When the Supreme Court shall have decided said cases, this Court will bring this case to trial forthwith.

SO ORDERED, this the 26th day of January, 1976.

/s/ Jas. P. Coleman
United States District Judge

/s/ Dan M. Russell, Jr.
Chief United States District Judge

/s/ Arnold Cox
United States District Judge

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

PEGGY J. CONNOR, ET AL., PLAINTIFFS

v.

WILLIAM L. WALLER, ET AL., DEFENDANTS

AND

UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR

[No. 75-1184—PEGGY J. CONNOR v. J. P. COLEMAN,
United States District Judge. et al.]

Before COLEMAN, Circuit Judge, RUSSELL, Chief
District Judge, and COX, District Judge.

COLEMAN, Circuit Judge.

GENTLEMEN OF COUNSEL:

The Court is convened today in compliance with the decision of the Supreme Court, rendered May 19, 1976, in No. 75-1184, Connor v. Coleman.

Like all courts, this Court must, and will, comply with the directives of the Supreme Court of the United States. There will be no reluctance, no foot dragging, and no hanging back.

For the benefit of the record, the three Judges of this Court wish to state, as they have stated heretofore, that they have never had any purpose of delaying decision in this case beyond the time required by appropriate judicial practice and procedure. The sooner this case is

decided, the better for all concerned, especially so for the benefit of judges with crowded calendars and swollen case loads. The only good case is one in which a final judgment has been rendered and the books have been closed.

The Constitution of the United States must be observed. There has never been any argument about that in this case, and there could have been none. The problem has been, and is, what does the Constitution require?

We certainly know what it requires with reference to one man-one vote. The cases on that subject are plain and unambiguous. The troublesome problem has been the issue of impermissible dilution, minimization or cancellation of black voting strength in certain areas of the State. The existence of that issue explains the presence of the United States as a party to this litigation.

In 1966 and 1971 this Court struck down, as violative of the Federal Constitution, reapportionment acts of the Mississippi Legislature. The plan promulgated by this Court for the 1967 legislative election was not appealed and thereby became a final judgment. The Supreme Court expressly declined to set aside the 1971 elections, held according to a plan devised by this Court. Our plan for the 1975 legislative elections was not attacked either by appeal or by motion for a stay. Thus, it is an indisputable fact of history that the last three quadrennial legislative elections in Mississippi have been held in compliance with the good faith efforts of this Court to mandate compliance with the Federal Constitution.

In any event, without issuing a writ of mandamus, but clearly suggesting that one might be issued if the case came to the merits, the Supreme Court has told this Court what it should do with this case. We propose to do exactly as we have been told to do. It is our duty to do so and we have no hesitancy about performing that duty.

As we understand the Supreme Court opinion of May 19, it is our judicial duty, without delay, to do the following:

(1) We are no longer to postpone the hearing on the permanent plan for legislative reapportionment and the

case should be brought to trial forthwith. The hearing and trial are to proceed this day.

(2) This Court must enter a final judgment embodying a permanent plan reapportioning the Mississippi Legislature for the 1979 quadrennial elections. This we are ready to proceed with.

(3) We are to order any necessary special elections to be held to coincide with the November 1976 Presidential and congressional elections, or in any event at the earliest practicable date thereafter. This we shall do.

As soon as a permanent plan can be formulated, with the aid of the parties and the special master, any necessary special elections will be ordered. We are certain that any such elections must be held in compliance with the laws of Mississippi governing special elections as in the case of other vacancies. If no candidate receives a majority of the vote cast on the first day there will have to be a run-off between the two receiving the highest number of votes. These elections, where required, will be held at the earliest possible date, either before or after the Presidential election. We suggest that those interested in running in a special election prepare themselves to move out expeditiously if and when a date is set.

This litigation has been the subject of several prior hearings. The problem is already well defined. Finding Constitutional solutions in regard to a state with 82 counties, 122 representatives, and 52 senators, solutions which will meet the approval of the Supreme Court of the United States, is the task before us.

As a partial statement of our views, which are subject to change upon further proof and argument, we are presently of the opinion that no special election should be required for those districts in which the permanent plan represents no territorial change from the temporary plan. In other words, as to those districts, the people have spoken and we can conceive of no warrant for requiring them to speak again.

We are further of the opinion that no special election should be required in any new legislative district unless the district used in the temporary plan in that par-

ticular geographical area was either impermissibly malapportioned or caused an impermissible dilution of black voting strength.

Thus, from our present knowledge of this case, neither the Constitution nor the law nor equity would require the holding of special legislative elections throughout the State of Mississippi.

Of course, the exact localities of such special elections cannot be spelled out until we have first formulated the permanent plan.

The special master will not formulate the plan. This Court will formulate the plan, but in doing so we expect to have the assistance of the special master in the acquisition and application of the appropriate data.

We think it is in order for us to point out that we recognize the following policies which have to be taken into consideration in the formulation of the permanent plan of legislative reapportionment.

(1) Mississippi has always had a system of permanent registration of voters. Once a voter is registered as a resident of any voting precinct he remains registered there until he either moves away or dies. Obviously, the smallest governmental unit in the Mississippi electoral scheme is the voting precinct. Unless this is kept in mind elections could not be effectively conducted. The Bureau of the Census does not take the census by precincts, as it did in former years. Therefore, we do not have specific population figures for voting precincts. This poses a problem in connection with figuring actual population figures in any one precinct. We think, however, there are reasonably dependable ways by which this problem can be overcome without doing violence to the one man-one vote rule.

(2) As has been developed in prior opinions of this Court, from its admission into the Union until the present time Mississippi has had a well defined policy, articulated in its Constitutions, of not fracturing county lines in the formulation of legislative districts. The basis of this policy is that the county is the fundamental unit of state government. All state law—criminal, civil and administrative—has uniformly rested on that founda-

tion. We think this policy has to yield to the requirements of the Constitution of the United States, but only in those instances wherein it would cause a conflict with the Constitution. Therefore, the permanent legislative reapportionment plan will fracture county lines only in those instances where there is no other way to avoid a violation of the Federal Constitution.

(3) In like manner, Mississippi has always adhered to the policy of using multi-member districts for the selection of legislators. This policy does not violate the Federal Constitution, except possibly in large multi-member districts.

(4) It is also true that in several instances Mississippi has had the policy of subdividing counties for the election of legislators, such as in Bolivar, Carroll, Chickasaw, and Hinds Counties. Consequently, subdivisions within a county in the permanent legislative plan would not offend state policy and may be freely utilized where otherwise appropriate.

We conclude with the following:

The language of the decision of May 19, 1976 (slip opinion at p. 3) indicates that any court ordered reapportionment should comply with the Supreme Court decisions in *Mahan v. Howell*, 410 U.S. 315 (1973), *Connor v. Williams*, 404 U.S. 549 (1972), and *Chapman v. Meier*, 420 U.S. 1 (1975).

It seems to us that *Mahan v. Howell* stands for the proposition that in legislative reapportionment, a state does not violate the equal protection clause when it pursues a rational objective of preserving the integrity of its political subdivision lines.

Conner v. Williams, 404 U.S. 549 held that "single-member districts are preferable to large multi-member districts as a general matter".

Chapman v. Meier, 420 U.S. 1, asserted that the enforcement of court ordered legislative reapportionment plans is based on the State's Constitution, statutes, and election laws, that a federal reapportioning court may not set up multi-member districts when the state policy

calls for single-member districts, unless the court can articulate a "singular combination of unique factors".

The Court further held that a 20% population variance in a court formulated plan is constitutionally impermissible in the absence of significant state policies or other acceptable considerations that require adoption of a plan with so great a variance. The burden is on the district court to elucidate the reasons necessitating any departure from the goal of population equality and to articulate clearly the relationship between the variance and the state policy furthered.

In *Meier* the Supreme Court concluded:

"We hold today that unless there are persuasive justifications, a court ordered reapportionment plan of a state legislature must avoid use of multi-member districts, and, as well, must ordinarily achieve the goal of population equality with little more than *de minimis* variation. Where important and significant state considerations rationally mandate departure from these standards, it is the reapportioning court's responsibility to articulate precisely why a plan of single-member districts with minimal population variance cannot be adopted."

This assertion was footnoted with the assertion that "This is not to say, however, that court ordered reapportionment of a state legislature must attain the mathematical preciseness required for Congressional redistricting".

Read together, we think *Mahan*, *Conner*, and *Chapman* teach us that the one man-one vote rule does not make state legislative apportionment the prisoner of blind mathematics and further teaches that federal courts do not sit with a warrant to ignore or nullify either rational state policy or state election laws of general application.

During the course of this litigation, this Court has become aware of another very serious consideration. From the beginning of statehood, by Constitution and statute, Mississippi has always provided that every county should be entitled to at least one member of the House of Rep-

representatives. Since the county is the basic unit of government, the reason for this policy is obvious. Of course, Senators have not been restricted to one county. There is no policy impediment to putting the Senate strictly on the basis of population norms. Because of our adherence to population norms, however, this Court has deprived a number of counties of the one Representative heretofore guaranteed them by the Mississippi Constitution. The result of this has been that many predominantly black counties, like Noxubee, Kemper, Claiborne, and Jefferson, which join predominantly white counties, have been compelled to share the election of Representatives with those predominantly white counties. They are denied the one Representative guaranteed by the State Constitution.

This, however, is unavoidable. The population norm for a member of the State House of Representatives is 18,171. Seven counties have less than half that amount. Issaquena County has only 2,737 people (1970 census). Thus, to allocate at least one Representative to every county would be "a total subversion of the equal population principle in that legislative body", *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964). This does not mean, however, that we should ignore the general right of a county to one Representative if it has enough people to avoid subverting the equal population principle, *Reynolds, supra*.

We must also note that since last this Court met the Supreme Court has decided *East Carroll Parish School Board v. Marshall*, — U.S. —, 96 S.Ct. 1083, — L.Ed.2d — (1976) and *Beer v. United States*, — U.S. —, 96 S.Ct. 1357, — L.Ed.2d — (1976).

East Carroll (footnote 6) held that Section 5 of the Voting Rights Act does not control court ordered legislative reapportionment plans. In such cases we must look to Constitutional principles.

Beer held that members of a minority group have no federal right to be represented in legislative bodies in proportion to their numbers in the general population.

We had suggested the formulation of a plan based on 1973 population estimates compiled by the Bureau of the Census. It was our thought that the more recent

figures might help avoid another wholesale chair switching following the Census of 1980. We are now informed, however, that there are no estimates for the population of beats and precincts, so we have been forced to abandon the idea of using 1973 population estimates. The plan to be formulated by the Court will be based on the official returns of the 1970 Census.

Except where there are unusual circumstances justifying some other result, the policy of the permanent plan will be for the establishment of single member legislative districts.

(5) As we understand *Chapman v. Meier*, however, we do not have a blanket commission simply to ignore firmly established state policy that county lines not be fractured and that small multiple member districts may be used in those instances where that would afford the best, most practicable way of setting up new legislative districts.

With these preliminary observations, which are subject to change, we invite the parties to proceed. We shall hear first from the Department of Justice.

TRANSCRIPT OF PROCEEDINGS

United States District Court
 Southern District of Mississippi
 Jackson Division
 June 15, 1976

. . . .

[8] JUDGE COLEMAN: We are further of the opinion that no special election should be required in any new legislative district unless the district used in the temporary plan in that particular geographical area was either impermissibly malapportioned or caused an impermissible dilution of Black voting strength.

. . . .

[17] Now one other point or two. We had suggested the formulation of a plan based on 1973 population estimates compiled by the Bureau of the Census. It was our thought that the more recent figures might help avoid another wholesale chair switching following the census of 1980. We are now informed, however, that there are no estimates for the population of beats and precincts, so we have been forced to abandon the idea of using 1973 population estimates. The plan to be formulated by the Court will be based on the official returns of the 1970 census.

. . . .

[19] MR. JOHNSON [Attorney for Plaintiff-Intervenor, United States]: We do have a motion, Your Honor, that we'd like to make on the record, to include all the papers, documents, and pleadings that the United States has filed with this Court into the record at this time.

JUDGE COLEMAN: That motion will certainly be granted. That includes the reports you filed in response to the request of the Court to give us the product of your investigations as to [20] the method in which the first and second Democratic primaries of 1975 and the general election of 1975 were held in Mississippi?

MR. JOHNSON: That's correct, Your Honor. I'd like to present these to the Court, a written copy of the motion.

JUDGE COLEMAN: You may do so.

. . . .

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Aug. 2, 1976]

[Caption Omitted]

MOTION FOR A PROMPT AND IMMEDIATE DE-
CISION ON A FINAL COURT-ORDERED LEGISLA-
TIVE REAPPORTIONMENT PLAN AND SPECIAL
ELECTIONS

Plaintiffs, by their attorneys, respectfully move the Court for a prompt and immediate decision on a final court-ordered legislative reapportionment plan and special legislative elections, and in support of their motion, plaintiffs would show to the Court as follows:

1. In its opinion of May 19, 1976, the United States Supreme Court held: "Ten years of litigation have not yet resulted in a constitutionally apportioned Mississippi Legislature." *Connor v. Coleman*, — U.S. —, 48 L.Ed.2d 295, 297 (1976). By Order of August 1, 1975, this Court indicated its "firm determination" to have a permanent legislative reapportionment plan approved by February 1, 1976, and to order special elections in conjunction with the November 2, 1976 presidential election. The January 29, 1976 stay order staying all further proceedings was disapproved by the United States Supreme Court in its opinion of May 19, 1976, and the Supreme Court held: "There is accordingly no justification on the ground stated for delaying further a final decision in this long-pending case that complies with *Connor v. Williams*, *supra*." 48 L.Ed2d at 299.

2. This Court held the hearing required by the direction of the Supreme Court on June 15, 1976. At that

hearing, the Court, speaking through Honorable J. P. Coleman, Circuit Judge, stated: "Like all courts, this Court must, and will, comply with the directives of the Supreme Court of the United States. There will be no reluctance, no foot dragging, and no hanging back" (Transcript, June 15, 1976, p. 3). The Court indicated that it was ready to proceed to enter a final judgment embodying a permanent plan for reapportionment of the Mississippi Legislature and to order any necessary special elections, stating: "These elections, where required, will be held at the earliest possible date, either before or after the presidential election. What we're saying is that we are going to proceed with all speed possible and if we can get them out of the way in August or September we are not going to wait for the presidential elections" (*id.*, p. 6).

3. It has now been more than six weeks since the June 15 hearing, and no permanent plan has been promulgated, nor special elections ordered. The Court has had before it the plans proposed by the plaintiffs and plaintiff-intervenor, and the data on which those plans were based, for more than a year. Every day of further delay prejudices the opportunities of those who have been excluded from the Mississippi Legislature by racially discriminatory multi-member districts and at-large voting to gain election in special elections.

The longer the delay, and the shorter the period between promulgation of a permanent plan and special elections, the greater the disadvantage to legislative candidates who are not incumbents to familiarize themselves with the population of their districts, to gain name-recognition and acceptance as a candidate on the part of the voters, to acquaint voters with their legislative proposals and programs, and to raise the necessary funds to mount a successful campaign.

The incumbents have the advantage of having campaigned last year in an area encompassing at least part of the new single-member districts, and voters are familiar with the incumbents, and their platforms and programs. Incumbents, as a result of their past campaigns,

also have established considerable fund-raising capabilities in their respective districts.

Thus, the shorter the time-frame between establishment of the new districts and the special elections, the greater the disadvantage to new candidates who previously were excluded from opportunities to gain election, and the greater the advantage to incumbents who have benefited from the present discriminatory districts.

For these reasons, plaintiffs respectfully move the Court to render a prompt and immediate decision on a permanent plan and special elections.

Respectfully submitted,

/s/ Frank R. Parker
FRANK R. PARKER
Lawyers' Committee for
Civil Rights Under Law
233 North Farish Street
Jackson, Mississippi 39201
Attorney for Plaintiffs

[Certificate of Service Omitted]

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Aug. 24, 1976]

PEGGY J. CONNOR, ET AL., PLAINTIFFS,

v.

CLIFF FINCH, ET AL., DEFENDANTS,

and

UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR.

Before COLEMAN, Circuit Judge, RUSSELL and
COX, District Judges.

COLEMAN, Circuit Judge.

For the 1979 quadrennial Mississippi legislative elections, our task is to reapportion both Houses of the Mississippi Legislature.⁽¹⁾

¹ The previously reported decisions in this litigation are:

Connor v. Johnson, 256 F. Supp. 692 (1966); 265 F. Supp. 492 (1967) (not appealed); 330 F. Supp. 506 (1971);

Connor v. Williams, 402 U.S. 690, 91 S.Ct. 1760, 29 L.Ed.2d 268 (1971); 330 F. Supp. 521 (1971); 404 U.S. 549, 92 S.Ct. 656, 30 L.Ed.2d 704 (1972);

Connor v. Waller, 396 F. Supp. 1308; 421 U.S. 656, 95 S.Ct. 2003, 44 L.Ed.2d 486 (1975). District Court citations are for the Southern District of Mississippi.

Connor v. Coleman, — U.S. —, 96 S.Ct. 1814, — L.Ed.2d. —.

The District Court orders of June 25, 1975, July 8, 1975, and July 11, 1975, promulgating a temporary plan for the 1975 legislative elections, are not reported.

I. *The Directions of the Supreme Court, May 19, 1976*

In an opinion dated May 19, 1976,⁽²⁾ the Supreme Court held that this task should be performed agreeably to the teachings of *Mahan v. Howell*,⁽³⁾ *Connor v. Williams*,⁽⁴⁾ and *Chapman v. Meier*.⁽⁵⁾

While a writ of mandamus did not issue, the opinion further held that we should enter

"a final judgment embodying a permanent plan reapportioning the Mississippi Legislature in accordance with law to be applicable to the election of legislators in the 1979 quadrennial elections, and also ordering any necessary special elections to be held to coincide with the November 1976 Presidential and Congressional elections, or in any event at the earliest practicable date thereafter."

A hearing was scheduled for Wednesday, June 2. The Department of Justice was unable to appear on that date, so the hearing was rescheduled for, and held on, Tuesday, June 15, 1976.

In an effort to expedite the matter as much as possible, William D. Neal, who participated as a special master in the Court ordered reapportionments of 1967 and 1971, was appointed special master, with directions to compile the statistical data necessary to a plan for the fifty-two member State Senate.

Hoyt Holland, heretofore appointed a special master in this litigation, was directed to concentrate his efforts on similar data for the 122 member House of Representatives.

II. *The Practical Aspects of the Task*

The Mississippi Legislature is composed of 122 Representatives and 52 Senators (Sections 254, 255, Mis-

² *Connor v. Coleman, supra*.

³ 410 U.S. 315, 93 S.Ct. 979, 35 L.Ed.2d 320 (1973).

⁴ 404 U.S. 549, 92 S.Ct. 656, 30 L.Ed.2d 704 (1972).

⁵ 420 U.S. 1, 95 S.Ct. 751, 42 L.Ed.2d 766 (1975).

issippi Constitution). In 1970 Mississippi had a population of 2,216,912. The population norm for a Senate Seat is 42,633; for a House Seat it is 18,171.

The State Constitution, Section 254, directs that "in each apportionment each county shall have not less than one Representative".

Thirty eight of Mississippi's eighty two counties have less than 18,171 people. To give every county one Representative would have the result that

"population is submerged as the controlling consideration in the apportionment of seats in this particular legislative body [and] the right of all the State's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired if we were to award one Representative to every county", *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362, 1392, 12 L.Ed.2d 506 (1964).

Within the 122 member limit there is no way by which every county may be assigned one Representative. We are thus forced to abandon this standard.

THE INTEGRITY OF COUNTY BOUNDARIES

Since the admission of Mississippi as the twentieth state in the American Union (1817), the county has been the sole unit of state government. This has been considered to be of such critical importance that Section 260 of the Mississippi Constitution provides that no existing county boundary may be altered without the consent of a majority of the voters in the affected part of each of the counties involved.

Mississippi has a system of local and private legislation almost identical to that of Virginia, Miss. Const., 1890, Sec. 89; *Mahan v. Howell*, 410 U.S. 315 (1973).

Counties having more than one Representative may provide for the election of such Representative by dividing such county into districts for the election of Representatives, Miss. Const., Sec. 254.

Each county is divided into five supervisors districts, Miss. Const., Sec. 170. These districts are known as

"Beats", from the early days when the county governing board was called "The Police Jury", Miss. Code of 1857, p. 414.

The Board exercises executive and judicial functions, including the valuation of property for taxation, the levy of taxes, the expenditure of public funds, the issuance of bonds, and the management of the public roads. The Constitution requires that these officials be elected from the respective Beats, which means that a voting precinct must be located entirely within the same Beat. The voting precincts are of various voting strengths, being erected for the general public convenience, consistently with community patterns.

For about 75 years Mississippi has maintained a system of permanent voter registration. Except in the rare event of a total re-registration, once a person registers to vote within the precinct of his residence he need never register again as long as he continues to reside there. Poll lists for use on election day are maintained accordingly.

From the foregoing it inexorably follows that any single member legislative district has to be constructed primarily from counties, using beats and precincts as necessary to approach or attain the required population norm.

FRACTURING COUNTY BOUNDARIES

From the beginning of statehood the Mississippi State Senate has been elected from districts, generally composed of more than one county.

For 159 years, however, no legislative district has been formed by combining fractions of counties (fracturing county boundaries). For detailed history of this situation in Mississippi, see *Connor v. Waller*, 396 F. Supp. 1314, 1315.

In deference to this undisputed, well defined state policy, to which the voter is thoroughly accustomed, this Court previously has adhered to the principle that in the reapportionment of legislative seats it would not combine subdivisions of different counties; we would not

fracture county boundaries. Indeed, such fractionalization, carried very far, would seriously disrupt (and impair) the *basic fabric* of Mississippi state government.

There is a practical consideration about fractionalizing counties which, so far, the Supreme Court does not seem to have addressed. If a Beat or a precinct in one county is detached for annexation to another county for the election of a Senator or a Representative, the voter residing in the detached area can certainly vote but the vote from a detached area having a small percentage of the total vote, will have very little weight against the "majority bastion" in the other county, certainly so if the interests of the Balkanized area do not coincide with those of the mass to which it has been attached. Independently of the mathematics demonstrated by mere numbers, dilution of voting strength would, in fact, occur.

The public policy of this State, expressly and repeatedly recognized by state constitutions and statutes, has been to allow multiple member legislative districts, avoiding the fractionalization of counties.

By the use of *multiple member districts*, without fracturing county boundaries, the Mississippi Legislature could be apportioned in a manner which would comply with one man-one vote principles. We are well aware that the Supreme Court has never yet directed any court to fractionalize counties or to fracture county lines. In *Mahan* the right to preserve the integrity of county boundaries was recognized. Yet, we have repeatedly been told that in the formulation of a court ordered legislative reapportionment plan single member districts must be used unless multiple member districts can be justified by unusual circumstances, *Chapman v. Meier, supra*.

There comes a time when stability, the prime requisite of effective government, should be attained. We have decided to divide the State into single member legislative districts in the hope that this long-running controversy may at last be terminated and the stability of the Mississippi Legislature restored.

We do not believe, however, that the Supreme Court intends that we should tear state policies to shreds. Both *Mahan* and *Chapman* abound with declarations to the contrary. What we propose to do is to set up single member districts, at the same time preserving as much as possible of the spirit of the rule against breaking counties apart. The policy of having multiple member districts will, of course, have to be ignored.

III. *The Means of Accomplishing the Task*

Mississippi is divided into 82 counties, 410 Beats, and about 1750 voting precincts. It is not a populous State. A deviation of 1% in the population norm for the election of a Representative involves only 181 persons. In the Senate 1% amounts to only 426 persons. If we were to ignore the special circumstances of the case and if percentages were allowed to serve as the sole criteria, we are not left much breathing room in undertaking the conversion of a 159 year old system into single member districts. We cannot change the county lines ordained by law. We have not the machinery with which to realign Beat boundaries. We cannot undertake the reconstitution of voting precincts. A statewide reregistration of voters on newly begun permanent registration rolls would be a task to stagger the most resolute. In short, we have had to take the Counties, Beats, and precincts as they actually are—not what we should prefer if we had been handling these matters for the past century and a half. The special circumstances are further complicated by the fact that the Beats in many Counties have been reapportioned since the Census of 1970, so the figures for that year no longer accurately reflect the facts. In such instances, we have recomputed population figures, as of 1970, by the most accurate means available.

We have sought to avoid a reapportionment which would spawn a labyrinthian missmash of legislative districts, composed of hundreds of Balkanized areas scattered profusely throughout the State. We have sought to avoid reducing the legislative elective process to a hope-

less jungle, impairing the meaningful nature of the representational function. This has necessitated greater variances in population percentages in some instances than ordinarily would have been preferred.

Of course, we realize the whole job will be to do over again in light of the 1980 figures and the Court hopes that the reapportionment we are now ordering will provide the foundation for smaller variations when the new figures are known.

THE PLANS

The plaintiffs have proposed two reapportionment plans. One is known as the Valinsky Plan. It has been of no practical use because it is constructed chiefly on population data found in Census Enumeration Districts. These Census Districts do not conform to voting precinct or beat boundaries. Their use would require a massive realignment of voting precincts throughout the State, with consequent re-registration of voters. The Court thinks it should adopt an alternative which would avoid this wholesale confusion, to say nothing of the problem of getting the voters to register anew in the appropriate precinct.

On the other hand, we have adopted portions of the Kirksey Plan because, in the opinion of the Court, they fit the situation better than any others. We have not adopted the Kirksey Plan *in toto* because its efforts to attain mathematical nicety would irreparably rend the basic fabric of state government in Mississippi.

The plans we now formulate will conform as nearly as possible to the basic concepts of one man-one vote without, at the same time, setting up a variable Babel of ill defined legislative districts.

THE GUIDELINES

To attain this objective we have developed, and adhere to, the following guidelines:

1. If a county has more than enough population for the election of a Representative or Senator, then there

shall be one complete district within that county, thus at least one Senator or Representative will be chosen solely by that county. In practical effect this will largely preserve the integrity of county boundaries and conform, to a degree, with the state policy on that subject, *Mahan v. Howell, supra*.

2. Except where two or more districts may properly be set up *within* the same county as authorized by Mississippi Constitution, Section 254, no county will be split into more than two segments.

3. Any departure from these guidelines will be allowed to occur in those rare instances required to attain reasonable contiguity, a tolerable equality of population, or an acceptable degree of compactness.

4. There shall be no minimization or cancellation of black voting strength. Any apparent dilution in any particular locality will occur only when dictated by the necessity for drawing district lines so as to adhere as closely as reasonably possible to the population norm while maintaining contiguity and a reasonable degree of compactness.

5. The population variances are to be as near *de minimis* as possible, bearing in mind any existing unusual circumstances and the narrow mathematical restrictions imposed by a single percentage point.

6. Obviously, shifts could be made in some districts to make them more nearly *de minimis* but the bulge here, or the contraction there, cannot overlook the necessity for fitting one set of 52 blocks (Senate seats) and another set of 122 blocks (House seats) within immovable precinct, beat, county, and state boundaries. Nowhere can a "domino" effect be more quickly encountered.

7. The population figures of the 1970 Census will be used as the basis for this reapportionment. This is the only definite data available. Yet, the Court is well aware of the continuing population shifts in Mississippi. The Census Bureau officially estimates that between 1970 and July 1, 1973 (the latter date being now more than three years past), the population of DeSoto County increased 28.9%, both Jackson and Rankin Counties increased 18.1%, and so forth. (See Table for the entire

State attached to this opinion). We cannot use the 1973 official population estimates because they do not include beats and precincts.

IV. Judgment

It, therefore, is ORDERED, ADJUDGED, and DECREED:

1. The permanent plans for the reapportionment of the Legislature of the State of Mississippi, as hereinafter set forth, *shall be in force and effect for the regular quadrennial elections of 1979 and thereafter until altered according to law.*

2. Except in those instances in which a special election may hereinafter be ordered, these plans shall not affect the terms of office of legislators elected in 1975.

3. In the event of the death or resignation of a legislator presently in office, the vacancy so created shall be filled by a special election in that district promulgated for 1979 in which the legislator shall have resided at the time of such death or resignation.

4. The removal by a legislator of his residence from one place to another within the district for which he was elected in 1975 shall not affect the term of office for which he was elected.

It is further ORDERED, ADJUDGED, and DECREED that the 52 members of the Mississippi State Senate to be chosen in the quadrennial election year of 1979 shall be elected from districts consisting of specified counties, beats, and precincts, as follows:

SENATE DISTRICTS

| District Number | Description | Population | Over or under the population norm |
|-----------------|--|------------|-----------------------------------|
| 1 | DeSoto County; Marshall County: Beat 3 | 40,697 | -4.5 |
| 2 | Lafayette County; Marshall County: Beats 1, 2, 4, and 5 | 43,396 | +1.8 |

| District Number | Description | Population | Over or under the population norm |
|-----------------|---|------------|-----------------------------------|
| 3 | The Counties of Benton, Pontotoc, and Union | 43,964 | + 3.1 |
| 4 | The Counties of Alcorn and Tippah | 43,031 | + 0.9 |
| 5 | The Counties of Prentiss and Tishomingo; Itawamba County: Beats 1 and 2 | 41,811 | -1.9 |
| 6 | Lee County | 46,148 | + 8.2 |
| 7 | Monroe County; Itawamba County: Beats 3, 4, and 5 | 44,152 | + 3.6 |
| 8 | Lowndes County: less Air Base Precinct | 44,312 | + 4.0 |
| 9 | The Counties of Chickasaw and Clay; Lowndes County: Air Base Precinct | 41,033 | -3.7 |
| 10 | The Counties of Choctaw, Montgomery, and Webster; Calhoun County: Beats 1, 2, 4, and 5 | 43,215 | + 1.4 |
| 11 | The Counties of Panola and Yalobusha; Calhoun County: Beat 3 | 41,557 | -2.5 |
| 12 | The Counties of Tate and Tunica; Quitman County: Beats 1, 2, 3, and 5 | 43,171 | + 1.3 |
| 13 | Coahoma County; Quitman County: Beat 4 | 43,562 | + 2.2 |
| 14 | Bolivar County: except the Precincts of Shelby and Duncan-Alligator | 43,496 | + 2.0 |

| District Number | Description | Population | Over or under the population norm |
|-----------------|---|------------|-----------------------------------|
| 15 | Sunflower County; Bolivar County: the Precincts of Shelby and Duncan-Alligator | 42,960 | + 0.8 |
| 16 | Washington County: Beats 1, 3, and 4 | 42,553 | -0.2 |
| 17 | Humphreys County; Washington County: Beats 2 and 5 | 42,629 | .0 |
| 18 | Leflore County | 42,111 | -1.2 |
| 19 | The Counties of Grenada and Tallahatchie | 39,192 | -8.1 |
| 20 | The Counties of Carroll and Leake; Attala County: Beats 1, 2, 3, and 4 | 42,138 | -1.2 |
| 21 | The Counties of Neshoba and Winston; Attala County: Beat 5 | 43,122 | + 1.1 |
| 22 | The Counties of Noxubee and Oktibbeha | 43,040 | + 1.0 |
| 23 | Kemper County; Lauderdale County: Beats 1 and 3 | 39,422 | -7.5 |
| 24 | Clarke County: Beat 4 Lauderdale County: Beats 2, 4, and 5 | 40,858 | -4.2 |
| 25 | The Counties of Jasper and Smith; Clarke County: Beats 1, 2, 3, and 5 | 41,644 | -2.3 |
| 26 | The Counties of Newton and Scott | 40,352 | -5.4 |

| District Number | Description | Population | Over or under the population norm |
|-----------------|---|------------|-----------------------------------|
| 27 | Rankin County | 43,933 | + 3.0 |
| 28 | Madison County; Holmes County: Beats 2 and 3 Yazoo County: Beats 2 and 4 | 45,612 | + 7.0 |
| 29 | The Counties of Issaquena and Sharkey; Holmes County: Beats 1, 4, and 5 Yazoo County: Beats 1, 3, and 5 | 46,223 | + 8.4 |
| 30 | Warren County | 44,981 | + 5.5 |
| 31 | Hinds County: Beat 1 | 42,948 | + .7 |
| 32 | Hinds County: Beat 2 | 43,061 | + 1.0 |
| 33 | Hinds County: Beat 3 | 43,199 | + 1.3 |
| 34 | Hinds County: Beat 4 | 43,010 | + 0.9 |
| 35 | Hinds County: Beat 5 | 42,755 | + 0.3 |
| 36 | Simpson County; Copiah County: Beats 1, 2, 4, and 5 | 39,747 | - 6.8 |
| 37 | The Counties of Claiborne and Lincoln; Copiah County: Beat 3 | 41,233 | - 3.3 |
| 38 | Jefferson County; Adams County: Beats 1, 2, 4, and 5 | 39,082 | - 8.3 |
| 39 | The Counties of Amite, Franklin, and Wilkinson; Adams County: Beat 3 | 40,379 | - 5.3 |

| District Number | Description | Population | Over or under the population norm |
|-----------------|---|------------|-----------------------------------|
| 40 | Pike County; Walthall County: Beats 1, 2, and 3 | 40,190 | - 5.5 |
| 41 | The Counties of Lawrence and Marion; Jefferson Davis County: Beat 2 Walthall County: Beats 4 and 5 | 34,486 | - 7.4 |
| 42 | Covington County; Jefferson Davis County: Beats 1, 3, 4, and 5 Jones County: Beat 5, and the Precincts of County Barn and Ellisville Courthouse | 40,794 | - 4.3 |
| 43 | Jones County: Beats 1, 2, 3, and 4, less the Precincts of County Barn and Ellisville Courthouse | 40,989 | - 3.9 |
| 44 | Forrest County: Beats 1, 2, and 3; the Precincts of Camp School, Dixie Pine, Hawkins Junior High, Rowan High, William Carey, and McCallum | 42,339 | - 0.7 |
| 45 | The Counties of Lamar and Perry; Forrest County: Beat 5 and the Precincts of County A.H.S. and McLaurin Stone County: Beats 1 and 2 | 43,024 | + 0.9 |
| 46 | The Counties of George, Greene, and Wayne; Stone County: Beats 3, 4, and 5 | 42,515 | - 0.3 |

| District Number | Description | Population | Over or under the population norm |
|-----------------|--|------------|-----------------------------------|
| 47 | The Counties of Hancock and Pearl River | 45,189 | + 6.0 |
| 48 | Harrison County: the City of Gulfport and Precinct 11 in the City of Biloxi | 45,208 | + 6.0 |
| 49 | Harrison County: all of the City of Biloxi except Precinct 11 | 44,069 | + 3.4 |
| 50 | Harrison County: all that part outside the Cities of Biloxi and Gulfport | 45,305 | + 6.3 |
| 51 | Jackson County: all that part outside the Cities of Moss Point and Pascagoula plus the Precinct of Bayou Casotte No. 4 | 44,269 | + 3.8 |
| 52 | Jackson County: the City of Moss Point; all of the City of Pascagoula except the Precinct of Bayou Casotte No. 4 | 43,706 | + 2.5 |

That which appears herein shall constitute the findings of fact and conclusions of law in this case as required by Rule 52(a) of the Federal Rules of Civil Procedure and shall also constitute the judgment of the Court as to the reapportionment of the Mississippi State Senate. This, however, is not a final judgment in this case because the House of Representatives must also be reapportioned so as to comply with the Constitution of the United States. The reapportionment of the House of Representatives will be accomplished in a supplemental decree, to be entered as quickly as the Court can devise a satisfactory plan for the reapportionment of the House

of Representatives, continuing jurisdiction of this case being expressly reserved for that purpose.

The parties to this litigation are directed, within fifteen (15) days, to file stipulations with the Court as to those Senatorial Districts in which special elections would be mandated, in their opinion, by the Constitution of the United States.

SO ORDERED, ADJUDGED, and DECREED, this the — day of August, 1976.

/s/ Jas. P. Coleman
United States Circuit Judge

/s/ Dan M. Russell, Jr.
Chief Judge
United States District Court

/s/ Harold Cox
United States District Judge

APPENDICES
Population Analysis for the 52 Senatorial Districts
1976 Court Ordered Plan

| Dist. No. | Counties and Beats | Population | | Over or Under State Norm of 42,633 | |
|--------------|--|-------------------------------------|----------|---------------------------------------|------|
| | | County | District | Amount | % |
| 1 | DeSoto-All Marshall-Beat 3 | 35,885 4,812 | 40,697 | 1,936- | 4.5- |
| 2 | Lafayette-All Marshall-Beats 1, 2, 4 & 5 | 24,181 19,215 | 43,396 | 763+ | 1.8+ |
| 3 | Union-All Pontotoc-All Benton-All | 19,096 17,363 7,505 | 43,964 | 1,331+ | 3.1+ |
| 4 | Alcorn-All Tippah-All | 27,179 15,852 | 43,031 | 398+ | .9+ |
| 5 | Prentiss-All Tishomingo-All Itawamba-Beats 1 & 2 | 20,133 14,940 6,738 | 41,811 | 822- | 1.9- |
| 6 | Lee-All | 46,148 | 46,148 | 3,515+ | 8.2+ |
| 7 | Monroe-All Itawamba-Beats 3, 4 & 5 | 34,043 10,109 | 44,152 | 1,519+ | 3.6+ |
| 8 | Lowndes County, all except Air Base Precinct | 44,312 | 44,312 | 1,679+ | 4.0+ |
| 9 | Clay-All Chickasaw-All Lowndes-Air Base Precinct | 18,840 16,805 5,388 | 41,033 | 1,600- | 3.7- |
| 10 | Choctaw-All Montgomery-All Webster-All Calhoun-Beats 1, 2, 4 & 5 | 8,440 12,918 10,047 11,810 | 43,215 | 582+ | 1.4+ |
| 11 | Panola-All Yalobusha-All Calhoun-Beat 3 | 26,829 11,915 2,813 | 41,557 | 1,076- | 2.5- |
| 12 | Tate-All Tunica-All Quitman-Beats 1, 2, 3 & 5 | 18,544 11,854 12,773 | 43,171 | 538+ | 1.3+ |

PLAN FOR THE REAPPORTIONMENT OF THE MISSISSIPPI STATE SENATE - Cont'd
AUGUST 1976

| Dist. No. | Counties and Beats | Population | | Over or Under State Norm of 42,633 | |
|--------------|---|----------------------------|----------|---------------------------------------|------|
| | | County | District | Amount | % |
| 13 | Coahoma-All Quitman-Beat 4 | 40,447 3,115 | 43,562 | 929+ | 2.2+ |
| 14 | Bolivar-Beats 1, 2, 4 & 5 Beat 3: Mound Bayou Precinct | 39,767 3,729 | 43,496 | 863+ | 2.0+ |
| 15 | Sunflower-All Bolivar-Beat 3: Shelby & Duncan-Alligator Precincts | 37,047 5,913 | 42,960 | 327+ | .8+ |
| 16 | Washington-All of Beats 1, 3 & 4 | 42,553 | 42,553 | 80- | .2- |
| 17 | Washington-All of Beats 2 & 5 Humphreys-All | 28,028 14,501 | 42,629 | 4- | .0- |
| 18 | Leflore-All | 42,111 | 42,111 | 522- | 1.2- |
| 19 | Grenada-All Tallahatchie-All | 19,854 19,338 | 39,192 | 3,441- | 8.1- |
| 20 | Leake-All Attala-Beats 1, 2, 3 & 4 Carroll-All | 17,085 15,656 9,397 | 42,138 | 495- | 1.2- |
| 21 | Neshoba-All Winston-All Attala-Beat 5 | 20,802 18,406 3,914 | 43,122 | 489+ | 1.1+ |
| 22 | Oktibbeha-All Noxubee-All | 28,752 14,288 | 43,040 | 407+ | 1.0+ |
| 23 | Lauderdale-Beats 1 & 3 Kemper-All | 29,189 10,233 | 39,422 | 3,211- | 7.5- |
| 24 | Lauderdale-Beats 2, 4 & 5 Clarke-Beat 4 | 37,898 2,960 | 40,858 | 1,775- | 4.2- |
| 25 | Jasper-All Smith-All Clarke-Beats 1, 2, 3 & 5 | 15,994 13,561 12,089 | 41,644 | 989- | 2.3- |
| 26 | Scott-All Newton-All | 21,369 18,983 | 40,352 | 2,281- | 5.4- |
| 27 | Rankin-All | 43,933 | 43,933 | 1,300+ | 3.0+ |

PLAN FOR THE REAPPORTIONMENT OF THE MISSISSIPPI STATE SENATE - Cont'd
AUGUST 1976

| Dist. No. | Counties and Beats | Population | | Over or Under State Norm of 42,633 | |
|--------------|---|------------------------------------|----------|---------------------------------------|------|
| | | County | District | Amount | % |
| 28 | Madison-All Holmes-Beats 2 & 3 Yazoo-Beats 2 & 4 | 29,737 10,110 5,765 | 45,612 | 2,979+ | 7.0+ |
| 29 | Yazoo-Beats 1, 3 & 5 Holmes-Beats 1, 4 & 5 Sharkey-All Issaquena-All | 21,539 13,010 8,937 2,737 | 46,223 | 3,590+ | 8.4+ |
| 30 | Warren-All | 44,981 | 44,981 | 2,348+ | 5.5+ |
| 31 | Hinds-Beat 1 | 42,948 | 42,948 | 313+ | .7+ |
| 32 | Hinds-Beat 2 | 43,061 | 43,061 | 428+ | 1.0+ |
| 33 | Hinds-Beat 3 | 43,199 | 43,199 | 566+ | 1.3+ |
| 34 | Hinds-Beat 4 | 43,010 | 43,010 | 377+ | .9+ |
| 35 | Hinds-Beat 5 | 42,755 | 42,755 | 122+ | .3+ |
| 36 | Simpson-All Copiah-Beats 1, 2, 4 & 5 | 19,947 19,800 | 39,747 | 2,886- | 6.8- |
| 37 | Lincoln-All Claiborne-All Copiah-Beat 3 | 26,198 10,086 4,949 | 41,233 | 1,400- | 3.3- |
| 38 | Adams-Beats 1, 2, 4 & 5 Jefferson-All | 29,787 9,295 | 39,082 | 3,551- | 8.3- |
| 39 | Amite-All Wilkinson-All Franklin-All Adams-Beat 3 | 13,763 11,099 8,011 7,506 | 40,379 | 2,254- | 5.3- |
| 40 | Pike-All Walthall-Beats 1, 2 & 3 | 31,756 8,534 | 40,290 | 2,343- | 5.5- |
| 41 | Marion-All Lawrence-All Walthall-Beats 4 & 5 Jefferson Davis-Beat 2 | 22,871 11,137 3,966 1,512 | 39,486 | 3,147- | 7.4- |

PLAN FOR THE REAPPORTIONMENT OF THE MISSISSIPPI STATE SENATE - Cont'd
AUGUST 1976

| Dist. No. | Counties and Beats | Population | | Over or Under State Norm of 42,633 | |
|--------------|---|------------------------------------|----------|---------------------------------------|------|
| | | County | District | Amount | % |
| 42 | Jones-Beat 5 (11,272) plus Ellisville Courthouse & County Barn Precincts in Beat 4 (4,096) Covington-All Jefferson Davis- Beats 1, 3, 4 & 5 | 15,368 14,002 11,424 | 40,794 | 1,839- | 4.3- |
| 43 | Jones-Beats 1, 2, 3 & 4 less Ellisville Courthouse & County Barn Precincts | 40,989 | 40,989 | 1,644- | 3.9- |
| 44 | Forrest-All of Beats 1, 2 & 3 and Camp School, Dixie Pine, Hawkins Junior High, Rowan High, William Carey & McCallum Precincts in Beat 4 | 42,339 | 42,339 | 294- | .7- |
| 45 | Forrest-All of Beat 5 and Forrest County A.M.S. and McLaurin Precincts in Beat 4 Lamar-All Perry-All Stone-All of Beats 1 & 2 | 15,510 15,209 9,065 3,240 | 43,024 | 391+ | .9+ |
| 46 | Wayne-All George-All Greene-All Stone-All of Beats 3, 4 & 5 | 16,650 12,459 8,545 4,861 | 42,515 | 118- | .3- |
| 47 | Pearl River-All Hancock-All | 27,802 17,387 | 45,189 | 2,556+ | 6.0+ |
| 48 | Harrison-City of Gulfport, & Precinct 11 in City of Biloxi | 40,791 4,417 | 45,208 | 2,575+ | 6.0+ |
| 49 | Harrison-City of Biloxi: All except that part included in District 48 | 44,069 | 44,069 | 1,436+ | 3.4+ |
| 50 | Harrison-All that part lying outside Cities of Biloxi and Gulfport | 45,305 | 45,305 | 2,672+ | 6.3+ |

PLAN FOR THE REAPPORTIONMENT OF THE MISSISSIPPI STATE SENATE - Cont'd
AUGUST 1976

| Dist. No. | Counties and Beats | Population | | Over or Under State Norm of 42,633 | |
|--------------|---|------------|-----------|---------------------------------------|------|
| | | County | District | Amount | |
| 51 | Jackson-All that part lying outside Cities of Moss Point and Pascagoula plus Bayou Casotte No. 4 Precinct in City of Pascagoula | 44,269 | 44,269 | 1,636+ | 3.8+ |
| 52 | Jackson-The City of Moss Point and the City of Pascagoula, less Bayou Casotte No. 4 Precinct | 43,706 | 43,706 | 1,073+ | 2.5+ |
| TOTALS | | 2,216,912 | 2,216,912 | | |

The U.S. Census Bureau does not report population by voting precincts, as it once did. The Court, therefore, has estimated precinct population by factoring the registered voting strength of a precinct against the total population of the Beat in which it is located. Extensive comparison indicates that the precinct population figures thus obtained are substantially accurate.

The Beats in some Counties have been redistricted since 1970. The population figures used for those Beats have generally been taken from the Court orders specifying the population figures.

Three Counties—Hinds, Warren, and Grenada are in the process of having their Beats redistricted. Hinds and Warren are on appeal. As to them we have used the population figures as found by the District Court. Legislative redistricting as to Lowndes County presented a special problem. Beats in Lowndes were redistricted in 1972. There, the District Court found that 4,074 non-residents were enumerated at Columbus Air Force Base in 1970, while 1,670 non-residents were enumerated at Mississippi University for Women. It reapportioned the five Beats on the basis of population of 43,956. We have reapportioned on the basis of the total population enumerated by the Census Bureau (49,700).

RACIAL COMPOSITION OF THE VARIOUS
SENATORIAL DISTRICTS

| District Number | Black Population | District Number | Black Population |
|--------------------|---------------------|--------------------|---------------------|
| 1 | 38.1% | 27 | 28.1% |
| 2 | 43.1% | 28 | 62 % |
| 3 | 20.9% | 29 | 60.8% |
| 4 | 13.4% | 30 | 40.8% |
| 5 | 7.4% | 31 | 39 % |
| 6 | 20.7% | 32 | 54.3% |
| 7 | 25.5% | 33 | 51.2% |
| 8 | 26 % | 34 | 28.2% |
| 9 | 41.5% | 35 | 22.8% |
| 10 | 31.7% | 36 | 39.7% |
| 11 | 46 % | 37 | 43.9% |
| 12 | 57.2% | 38 | 54 % |
| 13 | 64 % | 39 | 52.7% |
| 14 | 58.9% | 40 | 42.6% |
| 15 | 65.1% | 41 | 33.8% |
| 16 | 57 % | 42 | 28.3% |
| 17 | 57 % | 43 | 30.8% |
| 18 | 57.9% | 44 | No figures |
| 19 | 51.9% | 45 | No figures |
| 20 | 42.2% | 46 | 24 % |
| 21 | 28.4% | 47 | 16.7% |
| 22 | 45.1% | 48 | 23.6% |
| 23 | 29.4% | 49 | 18.5% |
| 24 | 37.7% | 50 | 8.7% |
| 25 | 35.9% | 51 | 12.3% |
| 26 | 30.3% | 52 | 20.1% |

Mississippi Population Changes, By County,
Since the Census of 1970
(U. S. Census Official Estimate)

| COUNTY | | COUNTY | |
|-----------------|-------|--------------|-------|
| Adams | + 0.9 | Leflore | — 1.5 |
| Alcorn | + 3.7 | Lincoln | + 2.7 |
| Amite | — 4.8 | Lowndes | + 7.6 |
| Attala | + 0.3 | Madison | + 7.3 |
| Benton | — 1.3 | Marion | + 2.8 |
| Bolivar | + 0.1 | Marshall | +11.4 |
| Calhoun | + 3.0 | Monroe | + 2.3 |
| Carroll | — 0.4 | Montgomery | + 2.5 |
| Chickasaw | + 2.4 | Neshoba | + 4.2 |
| Choctaw | + 0.7 | Newton | + 2.6 |
| Claiborne | + 0.3 | Noxubee | — 4.1 |
| Clarke | + 2.4 | Oktibbeha | + 6.9 |
| Clay | + 1.6 | Panola | + 2.4 |
| Coahoma | — 4.2 | Pearl River | — 0.1 |
| Copiah | + 4.5 | Perry | + 3.4 |
| Covington | + 2.7 | Pike | + 4.6 |
| DeSoto | +28.9 | Pontotoc | + 5.6 |
| Forrest | + 6.9 | Prentiss | + 2.8 |
| Franklin | — 0.3 | Quitman | — 4.4 |
| George | + 6.1 | Rankin | +18.1 |
| Greene | — 0.4 | Scott | + 4.3 |
| Grenada | + 1.0 | Sharkey | — 3.7 |
| Hancock | + 5.5 | Simpson | + 4.3 |
| Harrison | + 8.3 | Smith | + 6.2 |
| Hinds | + 3.8 | Stone | + 5.4 |
| Holmes | — 2.7 | Sunflower | — 0.7 |
| Humphreys | — 3.4 | Tallahatchie | — 3.8 |
| Issaquena | —12.2 | Tate | + 9.6 |
| Itawamba | + 5.6 | Tippah | + 8.9 |
| Jackson | +18.1 | Tishomingo | + 6.3 |
| Jasper | + 0.8 | Tunica | — 5.4 |
| Jefferson | — 5.3 | Union | + 6.7 |
| Jefferson Davis | — 0.1 | Walthall | — 0.8 |
| Jones | + 0.7 | Warren | + 2.4 |
| Kemper | — 0.6 | Washington | + 0.8 |
| Lafayette | +11.1 | Wayne | + 1.9 |
| Lamar | +11.3 | Webster | + 0.9 |
| Lauderdale | + 6.3 | Wilkinson | — 3.5 |
| Lawrence | + 2.6 | Winston | + 3.1 |
| Leake | + 2.3 | Yalobusha | + 4.0 |
| Lee | + 5.9 | Yazoo | — 3.0 |

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Sep. 8, 1976]

PEGGY J. CONNOR, ET AL., PLAINTIFFS,

v.

CLIFF FINCH, ET AL., DEFENDANTS,

AND

UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR.

Before COLEMAN, Circuit Judge, RUSSELL and COX, District Judges.

PER CURIAM:

Continuing our difficult journey toward a valid reapportionment of the Mississippi Legislature, we now apportion the State of Mississippi into 122 single member districts for the election of members of the State House of Representatives. Our partial decree of August 24, 1976 apportioning the State Senate, including its findings of fact and conclusions of law, is incorporated in and made a part of this decree.

In constructing a system of single member legislative districts, this Court is compelled to ignore the requirements of the Mississippi Constitution that each County shall have one Representative. We are compelled to abandon two 159 year old state policies: (1) multi-member legislative districts and (2) never fracturing county boundaries in the composition of legislative districts. In short, by the erection of single member legislative districts we have revolutionized Mississippi's system of legis-

lative elections. On the other hand, we have striven to preserve county identity as far as reasonably possible, which *Mahan v. Howell* holds to be a legitimate objective. The *spirit*, if not the letter, of the policy behind the preservation of county boundaries and the integrity of counties as the basic unit of state government has been largely preserved. The basic fabric of Mississippi government has not been materially harmed. This has caused, or rendered unavoidable, the population variations appearing between and among the respective legislative districts. Once the voting public becomes familiar with the new system (which will take time) the best interests of the State will be promoted by single member districts. Using the foundation here established for the first time, when the results of the 1980 census are known, legislative districts may be revised with less population variances and with a negligible impact on the legislative electoral process.

Mississippi has not been allowed to elect a legislature under rules of its own making since 1963. Three quadrennial legislative elections have been held under reapportionments constructed by this Court; yet, for various reasons, none of the Court-ordered plans has ever reached a decision on the merits in the Supreme Court. The most recent effort of the Legislature to reapportion itself foundered upon objections from the Attorney General of the United States. As the Supreme Court indicated in its opinion of May 19, 1976, the time has come to put an end to this litigation. Prior experience teaches that nothing short of the course we have adopted has any real hope of ending it.

In *Reynolds v. Sims*, 377 U.S. at 577, the Supreme Court said that "the Equal Protection Clause requires that a state make an honest and a good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable."

Consistently with the considerations advanced in our opinion of August 24, 1976, this Court has done all it can do in the way of an honest, good faith effort.

In *Reynolds v. Sims*, *supra*, the Supreme Court also said:

"A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme. Valid considerations may underlie such aims. Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering." *Mahan v. Howell* confirmed this principle.

In the formulation of our Court-ordered plan, literally hundreds of boundary possibilities have been considered in an effort to achieve population norms but there has been no gerrymandering.

DECREE

It is Ordered, Adjudged and Decreed that for the regular quadrennial elections of 1979, and thereafter until changed according to law, the 122 members of the Mississippi House of Representatives shall be elected from 122 districts, as follows, to-wit:

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 1 | DeSoto County: Beat 3, Beat 4, and the Precinct of Hernando East | 17,802 | -2.0 |
| 2 | DeSoto County: Beat 1, Beat 2, and the Precincts of Alhaba, Lewisburg West, Love, Nesbit East, and Pleasant Hill | 18,083 | -0.5 |
| 3 | Marshall County: Beats 1, 2, 3, and 4 | 19,226 | +5.8 |
| 4 | Benton County; Marshall County: Beat 5; Lafayette County: Beats 2 and 3 | 19,235 | +5.9 |
| 5 | Tippah County; Prentiss County: Beat 2 | 19,879 | +9.4 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 6 | Alcorn County: Beat 1, Beat 4, Beat 5, and the Precincts of Biggersville and Rienzi | 19,377 | +6.6 |
| 7 | Tishomingo County: Beats 1, 2, 3, and 4 Alcorn County: Beat 2, and the Precinct of South Corinth | 19,754 | +8.7 |
| 8 | Tunica County: Beats 1, 2, 3, and 4, plus the Armory Precinct; Coahoma County: The Precincts of Coahoma, Jonestown, Lula, and Mattson | 16,635 | -8.5 |
| 9 | Tate County; | 18,544 | +2.1 |
| 10 | Panola County: Beats 1, 2, and 5 | 19,137 | +5.3 |
| 11 | Panola County: Beats 3 and 4; Yalobusha County: Beats 1, 2, 3, and 4 | 17,302 | -4.8 |
| 12 | Lafayette County: Beats 1, 4, and 5 | 17,252 | -5.1 |
| 13 | Union County; | 19,096 | +5.1 |
| 14 | Prentiss County: Beats 1, 3, 4, and 5; Tishomingo County: Beat 5 | 19,094 | +5.1 |
| 15 | Coahoma County: Beat 2; Lyon Precinct in Beat 1; Clarksdale, Rena Lara, and Bobo Precincts in Beat 5 | 17,303 | -4.8 |
| 16 | Coahoma County: Beat 4; All Clarksdale Precincts in Beats 1 and 3; Roundaway Precinct in Beat 5 | 17,017 | -6.4 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 17 | Quitman County; Tunica County: The Precinct of Two Mile Lake | 17,234 | -5.2 |
| 18 | Pontotoc County; | 17,363 | -4.4 |
| 19 | Lee County: Beat 1, Beat 2, and Belden Precinct | 19,411 | +6.8 |
| 20 | Lee County: The Precincts of Auburn, Bissell, East Heights North, East Heights South, Eggville, Gilvo, Mooreville, Old Union, Palmetto, Tupelo III, Tupelo IV, Tupelo V, and Verona | 19,058 | +4.9 |
| 21 | Itawamba County; Lee County: The Precincts of Petersburg, Plantersville, and Richmond | 19,146 | +5.4 |
| 22 | Bolivar County: Beat 1, and the Precincts of Pace, Longshot, Shaw, Skene, and Stringtown; Sunflower County: The Precinct of Boyer-Linn | 16,687 | -8.2 |
| 23 | Bolivar County: The Precincts of Central Cleveland, East Central Cleveland, East Cleveland, West Cleveland, and Boyle | 17,037 | -6.2 |
| 24 | Bolivar County: Beat 3, and the Precincts of North Cleveland and Merigold | 16,912 | -6.9 |
| 25 | Sunflower County: Beat 1, Beat 3, and the Precinct of Moorhead | 17,605 | -3.1 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 26 | Sunflower County: Beat 5; Sunflower and Indianola Precincts in Beat 2; Dockery, Doddsville, and Ruleville Precincts in Beat 4 | 18,215 | +0.2 |
| 27 | Tallahatchie County: Beats 1, 2, 4, and 5, and the Precinct of Paynes | 17,487 | -3.8 |
| 28 | Calhoun County; Yalobusha County: Beat 5 | 16,928 | -6.8 |
| 29 | Chickasaw County; Lee County: The Precincts of Pleasant Grove and Shannon | 19,001 | +4.6 |
| 30 | Monroe County: Beat 4, and the Precincts of Aberdeen III, Lackey, Central Grove, Boyd's (Pine Grove), Nettleton, Willis, and Wren Lee County: The Precincts of Brewer, Kedron, and Nettleton | 18,251 | +0.4 |
| 31 | Monroe County: Beat 1, Beat 2, and the Precincts of Amory V, Bartahatchie, Bigbee, Gattman, Grubb Springs, and Hamilton | 18,976 | +4.4 |
| 32 | Issaquena County; Washington County: Beat 1, and the Precinct of Avon | 18,205 | +0.2 |
| 33 | Washington County: The Precincts of Ward Center, Community Center, Arcola, and Hollandale | 17,409 | -4.2 |
| 34 | Washington County: Beat 3, and the Precinct of New County Garage | 19,472 | +7.2 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 35 | Washington County: The Precincts of Darlove, Bourbon, County Recreation Center, Industrial College, Leland Health Clinic, and Leland Light Plant | 18,232 | +0.3 |
| 36 | Leflore County: Beat 1, Beat 3, and the Precinct of Money | 18,111 | -0.3 |
| 37 | Leflore County: Beats 4 and 5 | 16,765 | -7.7 |
| 38 | Carroll County; Leflore County: The Precincts of Northeast Greenwood and East Greenwood Attala County: Beat 3, less Possumneck Precinct | 17,543 | -3.5 |
| 39 | Grenada County: Beats 1, 3, 4, and 5; Tallahatchie County: Beat 3, less Paynes Precinct | 17,732 | -2.4 |
| 40 | Montgomery County; Grenada County: Beat 2 | 16,891 | -7.0 |
| 41 | The Counties of Choctaw and Webster; | 18,487 | +1.7 |
| 42 | Clay County; | 18,840 | +3.7 |
| 43 | Oktibbeha County: Beats 1, 3, 4, and the Precinct of Hickory Grove | 18,981 | +4.5 |
| 44 | Oktibbeha County: Beat 5, and the Precincts of Northeast Starkville, and Osborn; Lowndes County: The Precincts of Mayhew, West Lowndes, Barrow, and University | 18,721 | +3.0 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 45 | Lowndes County: The Precincts of Air Base, Caledonia, Rural Hill, New Hope, Fairview, and Coleman | 18,641 | +2.3 |
| 46 | Lowndes County: The Precincts of Brandon, Lee High, Stokes-Beard, Sale, Franklin, Caldwell, and Hunt | 18,162 | -0.0 |
| 47 | Sharkey County; Humphreys County: Beat 5; Yazoo County: The Precincts of Carter, Lake City, Zion, Eden, Free Run, East Midway, West Midway, Harttown, Enola, Fairview, and Holly Bluff | 16,521 | -9.1 |
| 48 | Humphreys County: Beats 1, 2, 3, and 4; Holmes County: The Precincts of Coxburg, Tchula, and Thornton | 17,406 | -4.2 |
| 49 | Holmes County: Entire County, less the Precincts of Coxburg, Tchula, and Thornton | 17,602 | -3.1 |
| 50 | Attala County: Beats 1, 2, 4, 5, and the Precinct of Possumneck | 18,659 | +2.7 |
| 51 | Winston County; | 18,406 | +1.3 |
| 52 | Noxubee County; Lowndes County: The Precincts of Crawford and Artesia | 18,235 | +0.4 |
| 53 | Warren County: The Precincts of Beechwood, Jett, Redbone, Yokena, Goodrum, and Tingle | 16,703 | -8.1 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 54 | Warren County: The Precincts of Cedar Grove, St. Aloysius, Auditorium, Central Fire, American Legion, Fire Station No. 7, and Jonestown | 16,793 | -7.6 |
| 55 | Warren County: The Precincts of Kings, Oak Ridge, Walters, Brunswick, Redwood, Bovina, and Culkin; (Warren County reapportionment by Beats is on appeal to the Supreme Court). Yazoo County: The Precincts of Dover, East Benton, West Benton, Mechanicsburg, Phoenix, Sartartia, Fugate, Deasonville, and Valley | 17,006 | -6.4 |
| 56 | Yazoo County: The Precincts of Benton, Center Ridge, Robinette, East Courthouse, West Courthouse, South City Hall, North City Hall, West Lintonia, and East Lintonia (Yazoo County is in the process of reapportionment by Beats; hence we use Precincts). | 16,912 | -6.9 |
| 57 | Madison County: Beats 1, 4, and 5 | 19,853 | +9.3 |
| 58 | Leake County; Neshoba County: The Precincts of Hays, Turner, Dixon, and Groves | 19,012 | +4.6 |
| 59 | Neshoba County: The entire County, less the Precincts of Hays, Turner, Dixon, and Groves | 18,875 | +3.9 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 60 | Kemper County; Lauderdale County: All Precincts in Beats 1 and 2 outside the City of Meridian; The Precincts of Center Hill, Obadiah, and Shucktown in Beat 3 | 19,342 | +6.4 |
| 61 | Hinds County: Precincts 17, 35-38, 42-45, Twin Pines | | |
| 62 | Hinds County: Precincts 27, 29, 39-41, 79-83, Liberty Grove | | |
| 63 | Hinds County: Precincts 1, 5, 6, 8, 9, 14-16, 32-34 | | |
| 64 | Hinds County: Precincts 12, 13, 21-23, 28, 30 | | |
| 65 | Hinds County: Precincts 2, 4, 10, 11, 18, 19, 50 | | |
| 66 | Hinds County: Precincts 20, 31, 52, 55-57, 61 | | |
| 67 | Hinds County: Precincts 47, 51, 53, 58, 63, 64, 66 | | |
| 68 | Hinds County: Precincts 24-26, 54, 59, 60, 62, 67-69 | | |
| 69 | Hinds County: Precincts 49, 70-77 | | |
| 70 | Hinds County: Precincts of Bolton, Brownsville, Clinton 1, Clinton 2, Clinton 3, Clinton 4, Cynthia, Flag Chapel, North Clinton, Pocahontas, Presidential Hills, Tinnin | | |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 71 | Hinds County: Precincts of Cayuga, Edwards, Fairfax, Hickory, Learned, Midway, Raymond 1, Raymond 2, Van Winkle 1, Van Winkle 2 | | |
| 72 | Hinds County: Precincts of Briarcliff, Byram, Chapel Hill, Dry Grove, Forest Hill, Old Byram, Red Hill, Terry, Utica 1, Utica 2, Woodville Heights The single member district plan ordered into effect by this 3-Judge Court for Hinds County in 1975 resulted in the election of three black Representatives, where none had been elected before. We leave these Districts unchanged. | | |
| 73 | Rankin County: Beat 2; Madison County: Beats 2 and 3 | 18,731 | +3.1 |
| 74 | Rankin County: Beats 4 and 5 | 17,624 | -3.0 |
| 75 | Rankin County: Beats 1 and 3 | 17,462 | -3.9 |
| 76 | Scott County: Beats 1, 2, 4, and 5 | 17,087 | -6.0 |
| 77 | Newton County; | 18,983 | +4.5 |
| 78 | Lauderdale County: Meridian City Precincts 1, 2, 3, 4, 7, and 8, and the County Precinct of School Gap | 19,143 | +5.3 |
| 79 | Lauderdale County: Meridian City Precincts 5, 6, 9, 13, 14, 15, 16, 17, and 18, and the Precinct of East Bonita | 19,266 | +6.0 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 80 | Lauderdale County: All Precincts in Beat 3 outside the City of Meridian except Obadiah, Shucktown, Center Hill, and School Gap; All Precincts in Beat 4 except Meridian Precinct No. 13; All Precincts in Beat 5 outside the City of Meridian except East Bonita | 19,569 | +7.7 |
| 81 | The Counties of Claiborne and Jefferson; | 19,381 | +6.7 |
| 82 | Copiah County: Beat 1, Beat 4, Beat 5, and the Precincts of East Hazelhurst, West Hazelhurst, Barlow, Glancy, and Allen | 18,972 | +4.4 |
| 83 | Lawrence County; Copiah County: Beat 2 and the Precincts of Ainsworth and Martinsville West; Simpson County: The Precincts of Bridgeport, Pinola, and Shivers | 18,647 | +2.6 |
| 84 | Simpson County: Beat 1, Beat 2, Beat 3, Beat 5; the Precincts of Magee North and Magee South | 18,214 | +0.2 |
| 85 | Smith County; Scott County: Beat 2 | 17,843 | -1.8 |
| 86 | Jasper County: Beats 1, 3, 4, and 5; Jones County: The Precincts of Gitano, Matthews, and Shady Grove | 17,408 | -4.2 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 87 | Clarke County; Jasper County: Beat 2 | 16,701 | -8.1 |
| 88 | Adams County: Beats 1 and 2, and the Precincts of Liberty Park, Concord, and Palestine | 19,109 | +5.2 |
| 89 | Adams County: Beats 4 and 5, and the Precinct of Somerset | 18,184 | +0.1 |
| 90 | Franklin County; Lincoln County: Beat 4, and the Precincts of Caseyville, Lloyd Star, Old Red Star, Vaughn, and Zetus | 16,966 | -6.6 |
| 91 | Lincoln County: Beat 1, Beat 2, Beat 3, and the Precinct of Northwest Brookhaven | 17,243 | +5.1 |
| 92 | Jefferson Davis County: Beats 1, 3, 4, and 5; Covington County: Beat 3, Beat 4, Beat 5, and the Precincts of South Collins and Eminence | 19,825 | +9.1 |
| 93 | Jones County: Beat 2, and the Precincts of West Jones, Mason School, 26th Street Fire Station, and Lamar School | 17,470 | -3.9 |
| 94 | Jones County: Beat 3, and the Precincts of Sharon, Sandersville, City Barn, Maddox School, Stone Deavours School | 18,439 | +1.5 |
| 95 | Jones County: Beat 4, and the Precincts of Moselle, Pendorf, Pine Grove, Rainey, South Jones, and Shelton | 17,382 | -4.3 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 96 | Wayne County; | 16,650 | -8.4 |
| 97 | Wilkinson County; Amite County: Beats 1, 2, and 3 | 19,354 | +6.5 |
| 98 | Pike County: Beats 1 and 5; Amite County: Beats 4 and 5 | 18,211 | -0.2 |
| 99 | Pike County: Beats 2, 3, and 4 | 19,053 | +4.9 |
| 100 | Walthall County; Jefferson Davis County: Beat 2; Marion County: The Precincts of Goss, Morgantown, White Bluff, Stovall, and Kokomo | 18,371 | +1.1 |
| 101 | Marion County: Entire County except the Precincts of Goss, Morgantown, White Bluff, Stovall, and Kokomo | 19,587 | +7.8 |
| 102 | Lamar County; Covington County: Beat 1, and the Precincts of Richmond and Sanford | 19,735 | +8.6 |
| 103 | Forrest County: The Precincts of Lillie Burney, Woodley School, Jones School, Petal High, East Bowie, Petal- Harvey, Camp School, and Hawkins Junior High | 17,504 | -3.7 |
| 104 | Forrest County: The Precincts of Blair High, Eatonville, Glendale, Petal-Leeville, Rawls Springs, Macedonia, Davis School, Grace Christian and Pinecrest | 17,555 | -3.4 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 105 | Forrest County: The Precincts of Central School, Dixie School, Westside, Eaton School, Sunrise, Walthall, Dixie Pine, Rowan High, William Carey, and Thomas | 17,799 | -2.0 |
| 106 | Forrest County: The Precincts of Forrest County A.H.S., McCallum, McLaurin, Brooklyn, Carnes, and Maxie; Pearl River County: The Precincts of Poplarville East, Poplarville West, Byrd Line, Hickory Grove, Gum Pond, Wolf River, Oak Hill, Hillsdale, Fords Creek, Buck Branch, White Sand, Mill Creek, Derby, Progress, Silver Run, Steep Hollow, Savannah, McNeill, and Caesar; Stone County: Beat 2 | 17,377 | -4.4 |
| 107 | The Counties of Greene and Perry; | 17,610 | -3.1 |
| 108 | Pearl River County: Beat 4, and the Precincts of Picayune I, II, III, and V; the Precincts of Ozone, Carriere, and Salem | 17,036 | -6.2 |
| 109 | George County; Stone County: Beats 1, 3, 4, and 5 | 18,940 | +4.2 |
| 110 | Hancock County; | 17,387 | -4.3 |
| 111 | Harrison County: The Precincts of Biloxi Nos. 1-4, D'Iberville, North Bay, and White Plains | 19,217 | +5.8 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|--|------------|--|
| 112 | Harrison County: The Precincts of Biloxi Nos. 5-7, 7A-8, Holly Hills, and Howard Creek | 19,086 | +5.0 |
| 113 | Harrison County: The Precincts of Stonewall, West Handsboro, Biloxi Nos. 9-11, and East Handsboro | 19,139 | +5.3 |
| 114 | Harrison County: The Precincts of Gulfport Nos. 7 and 12, New Hope, E & W Saucier, Gulfport No. 11, Advance, East Lyman, East Orange Grove, Peace, and Poplar Head | 19,324 | +6.3 |
| 115 | Harrison County: The Precincts of Gulfport Nos. 4, 5, 6, 8, and 9, East and West Mississippi City, and East and West North Gulfport | 19,380 | +6.7 |
| 116 | Harrison County: The Precincts of Gulfport Nos. 13 and 14, Gulfport Nos. 2, 3, and 10, outside Long Beach, West Orange Grove, West Lyman, and Lizana | 19,020 | +4.7 |
| 117 | Harrison County: The Precincts of Gulfport No. 1, East Pass Christian, West Pass Christian, East Long Beach, West Long Beach, Pineville, Delisle, Ladner, Vidalia, and Riceville | 19,416 | +6.9 |
| 118 | Jackson County: Beat 1 | 17,595 | -3.2 |
| 119 | Jackson County: Beat 2 | 17,595 | -3.2 |
| 120 | Jackson County: Beat 3 | 17,595 | -3.2 |
| 121 | Jackson County: Beat 4 | 17,595 | -3.2 |

| District Number | Description | Population | Percentage over or under the population norm |
|-----------------|---|------------|--|
| 122 | Jackson County: Beat 5 (The County has been reapportioned by Federal Court Order, with practically equal population in each Beat). Total Population assigned to the 122 Districts Total Population of the State, 1970 Census | 17,595 | -3.2 2,216,912 2,216,912 |

Explanatory Notes

The special problems and unusual circumstances involved in dismantling a 159 year old system of legislative elections in Mississippi, and constructing an entirely new system of single member districts, were described in our opinion of August 24, 1976, redistricting the State for the election of 52 Senators. We need not repeat them with reference to the House of Representatives, except to emphasize that the exceedingly low 1% population norm of 181 persons has made our task with reference to 122 House members far more difficult.

We are aware that in *Chapman v. Meier*, 96 S.Ct. at 764, with reference to court-ordered plans the Supreme Court held that a maximum deviation of 20% is

"impermissible in the absence of significant state policies or other considerations that require adoption of a plan with so great a variance. The burden is on the District Court to elucidate the reasons necessitating any departure from the goal of population equality, and to articulate clearly the relationship between the variance and the state policy furthered".

This Court makes no effort to conceal its unhappiness that in this 122 seat reapportionment District 5 is 9.4% over the norm, District 57 is 9.3% over the norm, and District 92 is 9.1% above the norm. District 47 is 9.1% below the norm. Thus, there is an aggregate deviation

of 18.5%. Even so, 74 districts vary no more than 5% either way.

Districts 5 and 92 are in the heavily populated white area of Northeast Mississippi. Tippah County is 16% black. Prentiss County is 11% black. The Districts are surrounded by Districts also above the norm. A shift of a few dangling precincts, of uncertain population, to achieve a smaller variation would have no impact on the personal identity or political principles of the Representatives chosen from these Districts. On the other hand, considering Mississippi's system of counties, beats, precincts, and permanent voter registration such shifts would complicate the legislative electoral process in this area, with no added benefit to the effectiveness of the individual vote.

District 47 is situated in a solidly black area (black population percentages 68%, 64%, and 53%). It is in the Delta, cut up by numerous bayous, lakes and a major river. It is surrounded by Districts already below the norm.

District 57 is wholly within Madison County (62.3% black), which has not been reapportioned under the one man-one vote rule. When this occurs this District will have approximately 17,841 people, or 1.2% below the norm.

District 92 is composed of parts of two small counties, adjacent to the County of Jones, which alone has enough population for 3 Representatives. Diligent search for a viable percentage reduction here has been fruitless.

Black Population Majority Districts in this Court Ordered Reapportionment of the Mississippi House of Representatives

| | |
|-------------------------|--|
| District 3 | Marshall County is 61.9% black. |
| Districts 8, 15, and 16 | Tunica County is 72.6% black; Coahoma County is 64.3% black. |
| District 10 | Panola County is 51.2% black. |

| | |
|----------------------------------|---|
| District 17 | Quitman County is 57.4% black; Tunica County is 72.6% black. |
| Districts 22, 23, 24, 25, and 26 | Bolivar County is 61.4% black; Sunflower County is 62.7% black. |
| District 27 | Tallahatchie County is 60.1% black. |
| Districts 32, 33, 34, and 35 | Issaquena County is 62% black; Washington County is 54.4% black. |
| Districts 36 and 37 | Leflore County is 57.8% black. |
| District 38 | Carroll County is 50.7% black, Leflore County is 57.8% black, Beat 3 of Attala County is 25% black. |
| Districts 47, 48, 49, and 56 | Sharkey and Humphrey Counties are 64% black, Holmes County is 68% black, and Yazoo County is 53% black. |
| District 52 | Noxubee County is 65% black; the precincts of Artesia and Crawford are preponderantly black. |
| District 57 | Madison County is 62.3% black. |
| Districts 61-72 Hinds County | Elected three black Representatives in 1975. |
| District 81 | Claiborne County is 74.5% black; Jefferson County is 75.2% black. |
| District 97 | Wilkinson County is 67% black; Amite County is 50.4% black. |

Thirty Districts have black population majorities.

Kemper County, black population 54%, is the only black majority county wholly attached to a white majority county area to form a district. It has only 10,233 people, 56% of the required population norm for a House Seat.

Special Elections

In the Order of June 25, 1975, we stated that when a permanent plan for the reapportionment of the Mississippi Legislature "shall have been accomplished, special elections may be ordered in those legislative districts where required by law, equity, or the Constitution of the United States".

In our Order of July 8, 1975, dealing with the temporary plan for elections in that year, we said:

"We have determined that no irreparable injury will occur by allowing the 1975 legislative elections to proceed under a temporary plan on the dates provided by law. If the permanent plan, later to be adopted manifests that the temporary plan has caused such an [irreparable] injury the same shall be corrected by special elections as provided by Mississippi law."

As in our partial decree of August 24, 1976, with reference to the Mississippi State Senate, we now direct the parties within fifteen (15) days to file a list of the districts for the election of Representatives in which special elections should be held, if there are any such districts, assigning their reasons as to each district individually.

Upon the receipt of this information, the Court will rule thereon as quickly as reasonably possible. Should special elections be ordered in any district, the same will be held only after fully adequate notice and in time for the person elected to take his seat when the Legislature is convened in regular session in January, 1977.

This is not a final decree. The final decree, incorporating all decrees, will be entered when the Court disposes with the matter of special elections.

SO ORDERED, ADJUDGED, and DECREED, this
the 8 day of September, 1976.

/s/ James P. Coleman
United States Circuit Judge

/s/ Dan M. Russell, Jr.
Chief Judge, United States
District Court

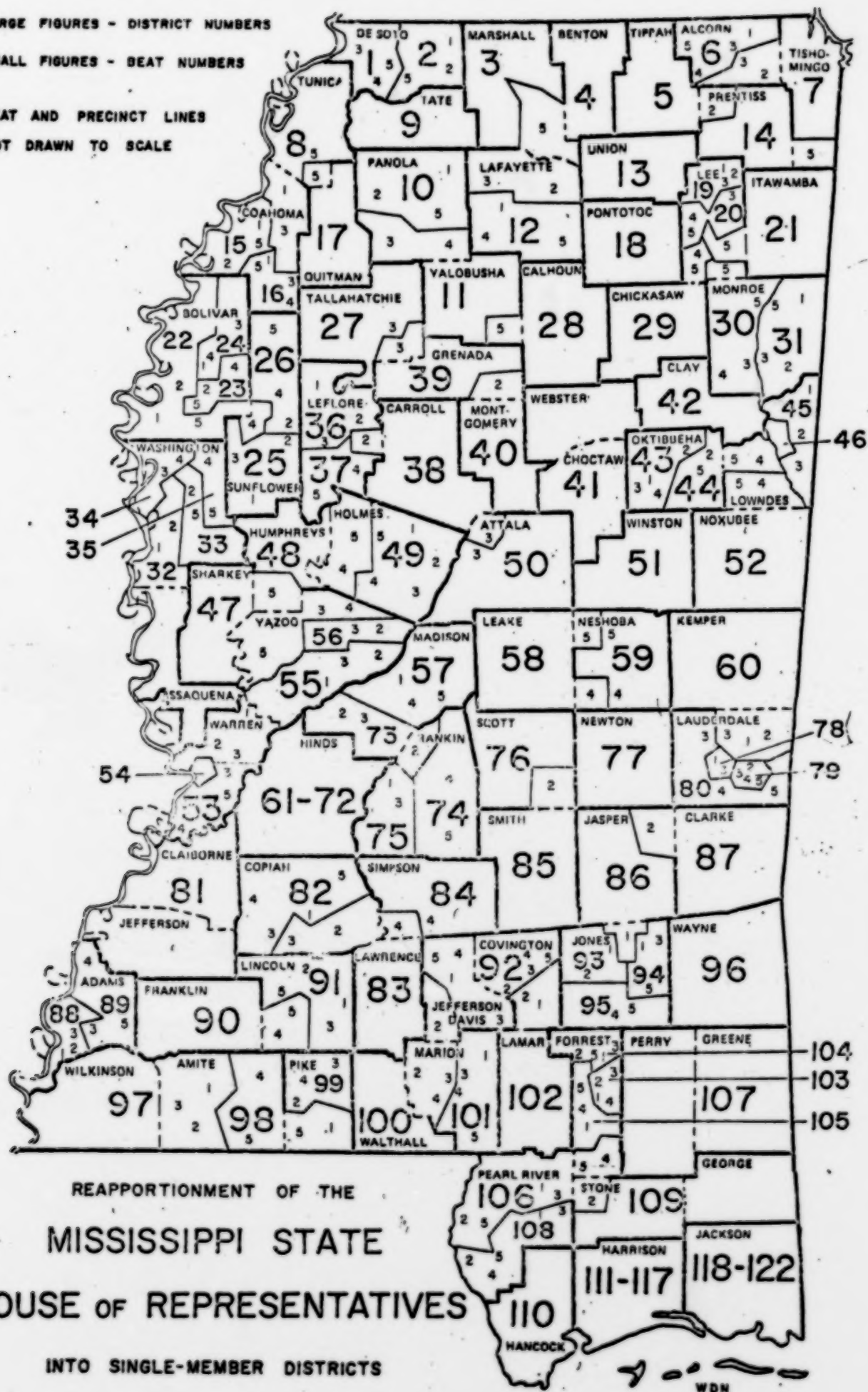
/s/ Harold Cox
United States District Judge

LARGE FIGURES - DISTRICT NUMBERS

SMALL FIGURES - BEAT NUMBERS

BEAT AND PRECINCT LINES

NOT DRAWN TO SCALE



IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830(A)

[Filed Sept. 8, 1976]

[Caption Omitted]

MOTION FOR SPECIAL ELECTION RELIEF

Plaintiffs, by their attorneys, pursuant to this Court's Judgment of August 24, 1976, move the Court for an order:

1. Shortening the terms of office of state senators elected under the 1975 temporary court-ordered plan in the following Senate districts under that plan: Districts 9, 10, 11, 12, 15, 24, 25, 27, 27A, and 27B.

2. Requiring special senatorial elections to coincide with the November 2, 1976, general election, or to be held at the earliest practicable date thereafter and no later than January 1, 1977, in the following districts established by this Court's Judgment of August 24, 1976:

| <u>District</u> | <u>Description</u> | <u>% Black (Court Figures)</u> |
|-----------------|--|------------------------------------|
| 12 | Tate; Tunica; and Quitman, Beats 1, 2, 3, and 5 | 57.2% |
| 13 | Coahoma; Quitman, Beat 4 | 64.0% |
| 14 | Bolivar, Beats 1, 2, 4, and 5, Mound Bayou Precinct | 58.9% |
| 15 | Sunflower; Bolivar, Shelby and Duncan-Alligator Precincts | 65.1% |
| 16 | Washington, Beats 1, 3 and 4 | 57% |
| 17 | Washington, Beats 2 and 5; Humphreys | 57% |
| 28 | Madison; Holmes, Beats 2 and 3; Yazoo, Beats 2 and 4 | 62% |

| District | Description | % Black (Court Figures) |
|----------|--|----------------------------|
| 29 | Yazoo, Beats 1, 3, and 5; Holmes, Beats 1, 4, and 5; Sharkey; Issaquena | 60.8% |
| 38 | Adams, Beats 1, 2, 4, and 5; Jefferson | 54% |
| 39 | Amite; Wilkinson; Franklin; Adams, Beat 3 | 52.7% |
| 41 | Marion; Lawrence; Walthall, Beats 4 and 5; Jefferson Davis, Beat 2 | NA |
| 42 | Jones, Beat 5 plus Ellisville C. H. and County Barn Precincts; Jefferson Davis, Beats 1, 3, 4, and 5; Covington | NA |
| 43 | Jones, Beats 1, 2, 3, and 4 (minus Ellisville C. H. and County Barn Precincts) | NA |

3. Provide that those elected in the special elections take office 30 days after the special election, or in any event prior to the 1977 regular session of the Mississippi Legislature.

In support of their motion, plaintiffs would show to the Court as follows:

1. In its Judgment of August 24, 1976, this Court directed the parties within 15 days to file "stipulations" with the Court regarding districts in which special elections would be mandated. Counsel for the plaintiffs have contacted counsel for the defendants and counsel for the United States in this regard. Counsel for the plaintiffs, Hon. A. F. Summer, informed us that defendants could not stipulate to special elections in any new senatorial district. Plaintiffs' list of special election senatorial districts is similar, in some regards, to the list to be submitted by the United States.

2. The 1975 temporary court-ordered plan failed to meet constitutional requirements because it employed large, multi-member districts which diluted black voting strength and which were disadvantageous to the voters,

and contained excessive and unconstitutional deviations from population equality which diluted the voting strength of voters statewide.

3. To cure the defects of the prior plan, plaintiffs seek special elections in all senatorial districts under the new, permanent plan promulgated by the Court: (1) which are, according to the statistics provided by the Court, black majority in population, and which represent a change from the previous plan, to cure the dilution of black voting strength present in the prior plan, and (2) which are created out of the previous multi-member floterial district (old Districts 27, 27A, and 27B, Jones, Covington, Jefferson Davis, Lawrence, and Marion Counties) to cure the excessive deviation from population equality in that district (-10.708%).

WHEREFORE, plaintiffs pray that their motion be granted.

Respectfully submitted,

/s/ Frank R. Parker
FRANK R. PARKER
Lawyers' Committee for Civil
Rights Under Law
233 North Farish Street
Jackson, Mississippi 39201
Attorney for Plaintiffs

[Certificate of Service Omitted]

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830(A)

[Filed Sept. 16, 1976]

[Caption Omitted]

PROPOSAL BY THE UNITED STATES
FOR SPECIAL ELECTIONS

In its Order of August 24, 1976, this Court set forth a permanent apportionment plan for the Mississippi State Senate and directed the parties to this litigation:

"... to file stipulations with the Court as to those Senatorial Districts in which special elections would be mandated, in their opinion, by the Constitution of the United States."

Without necessarily agreeing with all of the districts set forth in the Court's ordered plan, as to which our analysis is continuing and with respect to which we may wish to file our views concerning the sufficiency of the plan as a permanent plan for the 1979 elections, the United States hereby submits its proposal for special elections under the plan as drawn.

The attached chart sets forth the districts in which special elections are proposed, indicating the number of the district set forth in the Court's Order of August 24, 1976, and the corresponding district number under the Temporary Plans ordered July 11, 1975. The following criteria were utilized to determine the districts in which, in our view, special elections are required. Since our interest arises primarily by virtue of the Voting Rights Act, our criteria are limited to situations involving potential dilution of the black vote. However, it well may be that the Court should consider special elections for any districts in which the constituency is substantially altered.

Criteria used:

- (1) The Temporary Plan district was a multi-member district and the district under the Permanent Plan has a black voting age population majority or contains a substantial black population; or,
- (2) The district pursuant to the Temporary Plan, although a single-member district, was altered and

the Permanent Plan district has a black voting age population majority where none existed before; or

- (3) The district pursuant to the Permanent Plan was totally or partially contained in a Temporary Plan district part of which is in a Permanent Plan district which meets criteria 1 or 2 *supra*.

The application of these criteria results in recommended special elections in 14 senate districts and is explained below for each district.

Districts 14, 15, 16, 17, 28 and 29:

Temporary Plan districts 11,¹ 12,² and 15³ were multi-member districts which were subdivided in the Permanent Plan, to create single member districts all of which have a majority black voting age population.

Districts 1, 2, 38, 39, 40, 41, 42 and 43:

Temporary Plan district 1,⁴ 25⁵ and 27⁶ were multi-member districts which were subdivided in the Permanent Plan to create single-member districts which contain a substantial black population but which do not have a majority black voting age population. While only one district (District 40) resulting from the realignment of old districts 26 and 27 has a black population sufficient in our view to warrant a special election (42.6%), special elections must be held in all four of the resulting new districts since an election in any one of those districts leaves the present elected officials representing a district substantially different from that in which he was elected and, furthermore, presents difficulties regarding which of the presently elected officials must run for re-election.

Respectfully submitted,

/s/ Gerald W. Jones
MICHAEL D. JOHNSON
Attorneys
Department of Justice
Washington, D.C. 20530

¹ Permanent Plan districts 14 and 15.

² Permanent Plan districts 16 and 17.

³ Permanent Plan districts 28 and 29.

⁴ Permanent Plan districts 1 and 2.

⁵ Permanent Plan districts 38 and 39.

⁶ Along with Temporary Plan district 26, this constitutes Permanent Plan districts 40, 41, 42 and 43.

MISSISSIPPI SENATE DISTRICTS (COURT ORDER—AUGUST 24, 1976)
IN WHICH THE DEPARTMENT OF JUSTICE RECOMMENDS
SPECIAL ELECTIONS BE HELD

| Permanent Plan | | | | Temporary Plan | | | | Counties |
|----------------|-------------|--------------|---------|----------------|-------------|--------------|--|----------|
| Dist. # | Blk. Pop. % | Blk. VAP * % | Dist. # | # Sen. | Blk. Pop. % | Blk. VAP * % | | |
| 1 | 38.1 | | 1 | 2 | 40.68 | | DeSoto | |
| 2 | 43.1 | | | | | | Marshall Lafayette | |
| 14 | 58.9 | 50.71 | 11 | 2 | 62.00 | 54.00 | Bolivar | |
| 15 | 65.1 | 57.53 | | | | | Sunflower | |
| 16 | 57.0 | 51.52 | 12 | 2 | 56.26 | 50.8 | Washington | |
| 17 | 57.0 | 50.08 | | | | | Humphries | |
| 28 | 62.0 | 55.86 | 15 | 2 | 61.36 | 54.0 | Holmes | |
| 29 | 60.8 | 53.82 | | | | | Madison Yazoo Sharkey Issaquena | |

* Black VAP not shown where less than 50%.

| | | | | | |
|----|------|----|---|-------|------------|
| 38 | 54.0 | 25 | 2 | 53.37 | Jefferson |
| 39 | | | | | Adams |
| | | | | | Franklin |
| | | | | | Wilkinson |
| | | | | | Amite |
| 40 | 42.6 | 26 | 1 | 42.74 | Pike |
| 41 | 33.8 | 27 | 3 | 30.31 | Walthall |
| 42 | 28.3 | | | | Jeff Davis |
| 43 | 30.8 | | | | Lawrence |
| | | | | | Marion |
| | | | | | Covington |
| | | | | | Jones |

* Black VAP not shown where less than 50%

[Certificate of Service Omitted]

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Sept. 16, 1976]

[Caption Omitted]

MOTION FOR SPECIAL ELECTIONS
(HOUSE PLAN)

Plaintiffs, by their attorneys, move the Court pursuant to its Judgment of September 8, 1976, for an order shortening the terms of office of incumbents and ordering special elections to coincide with the November 2, 1976 Presidential election, or in any event prior to January 1, 1977 in the following 42¹ new districts:

(1) Districts in which black voting strength was diluted, cancelled out, and minimized under the 1975 temporary court-ordered plan, but which under the new plan have black population majorities (1970 Census) and/or black voting age population majorities (1975 estimates): New Districts 3, 8, 10, 15, 16, 17, 22, 24, 25, 26, 27, 32, 33, 34, 37, 38, 47, 52, 56, 79, 81, 89, and 97.

(2) Districts in which incumbent House members are thrown together in the same district: New Districts 6, 8, 10, 20, 44, 53, 56, 74, 83, 88, 93, 99, and 113.

(3) Districts which are without any representation under the new plan because the new districts place 13 incumbent representatives together in the same district: New Districts 4, 11, 16, 30, 47, 52, 54, 75, 81, 89, 95, 98, and 115.

¹ Seven of the black majority districts are also districts in which incumbents are pitted against each other or districts without any representation under the new plan.

A. *Dilution and Minimization of Black Voting Strength.*

District 3.

Black voting strength in Marshall County has been diluted since the 1971 court-ordered plan in which majority black Marshall County (62.0% black) was combined with larger, majority white DeSoto (35,885 persons, 64.7% white) in a white majority multi-member district (54.0% white, 45.9% black) which diluted black voting strength in Marshall. The 1975 temporary plan perpetuated this dilution by (1) combining DeSoto and Marshall in District 3B for the election of a floater representative and (2) enveloping the black population concentration in Marshall large enough for independent representation in a county-wide district, District 3A, containing 24,027 persons, 5,856 persons in excess of the norm, leaving Marshall County voters unconstitutionally underrepresented by a total variance of +32.23%.

The 1976 permanent plan provides black voters in Marshall County with a black majority district which is 67.2% black (1970 Census),² and in which blacks constitute 57.5% of the total 1975 estimated voting age population (see Exhibit 1, attached).³

District 10.

In the 1975 temporary plan, black voting strength in majority black Panola County (51.36% black) was diluted by combining it with majority white Yalobusha County (59.35% white) in a multi-member district which had a white districtwide majority of 52.0% and in which blacks constituted only 38.9% of the districtwide 1975 voting age population (Ex. P-13).

² For beats and precincts for which 1970 Census data was not available, the Census population was estimated based on 1970 Census enumeration district population statistics.

³ 1975 voting age population statistics are based on the Mississippi State University projections of Ellen S. Bryant and Sanabel El-Attar, *Population of Mississippi Legislative and Congressional Districts, 1970, and Projections to 1975* (1973) (Ex. P-13).

The 1976 permanent plan provides black voters in Panola County with a black majority district which is 53.8% black in total population (Exhibit 1, attached).

Districts 8, 15, 16, and 17.

Black voting strength in the 1975 temporary plan in old Districts 11 (Coahoma, two representatives, 11A (Quitman and Tunica), and 11B (Coahoma, Quitman, and Tunica)) was diluted by countywide and multi-county districtwide voting in counties in which no black candidates had been successful in gaining election to countywide office and in which, measuring the realities of black voting strength in terms of registration and turnout, the optimum black vote is less than 50% even though blacks constitute a majority of the voting age population (testimony of Rims Barber, Associate Director of Delta Ministry, May 7, 1975 Tr. 219-247, Exs. P-30, P-31).

In the 1976 permanent plan, dilution of black voting strength is substantially diminished in two districts, Districts 8 and 16, in which blacks constitute, respectively, 74.0% and 69.0% of the total population, and 65.3% and 61.8% of the 1975 voting age population (Ex. P-13). In two other districts, Districts 15 and 17, blacks constitute majorities of 54.7% and 58.7% of the total population. The creation of single-member districts, thus eliminating the necessity for candidates to run in countywide and multi-county districts, plus these increased black population statistics in single-member districts, gives black voters, for the first time, a realistic opportunity to elect candidates of their choice.

District 27.

In old District 12 in the 1975 temporary plan, 1975 black voting age population was approximately 50-50 with white voting age population in Tallahatchie County (Ex. P-13). Given that voting was countywide and that black voter registration is disproportionately lower than white registration (Ex. P-7; Ex. P-10), blacks were deprived of the opportunity to elect candidates of their choice.

Under the 1976 permanent plan, this dilution caused by countywide voting is offset by subdividing Tallahatchie County into a single-member district in which blacks are given an equal opportunity to elect candidates of their choice in a district in which blacks constitute 62.4% of the total population (1970 Census) and 52.6% of the 1975 voting age population (Ex. P-13) (see Exhibit 1, attached).

Districts 25 and 26.

In the 1975 temporary plan, although blacks had a slight 53.0% edge in the 1975 voting age population (Ex. P-13), the fact of countywide voting in Sunflower County, a county in which no black candidate has gained election to any countywide office, and uncontradicted voting strength statistics showing that the optimum black vote was less than 50% (Barber testimony, May 7, 1975 Tr. 219-247; Exs. P-30, P-31), shows that countywide voting in this multi-member district diluted black voting strength.

Under the 1976 permanent plan, this dilution is offset by the elimination of countywide voting and the creation of single-member districts, in one of which (District 25), blacks constitute 66.9% of the total population (1970 Census) and 57.6% of the 1975 voting age population, and in the other of which (District 26) blacks constitute a 58.5% majority of the total population (see Exhibit 1, attached).

Districts 22 and 24.

In the 1975 temporary plan, black voting strength was diluted in old District 14, Bolivar County, by (1) at-large, countywide voting in a county in which no black candidate has been elected to countywide office, and (2) in a geographically large (923 sq. mi.) district electing 3 representatives, and (3) in which although blacks had a slim 51.4% voting age population majority, because of lower registration and turnout the optimum black vote was less than 50% (Barber testimony, May 7, 1975 Tr. 219-247, Exs. P-30, P-31).

This dilution of black voting strength is diminished in single-member Districts 22 and 24, in which blacks

constitute both a majority of the total population and a substantial majority of the 1975 voting age population (59.6% and 54.5% respectively) (see Exhibit 1, attached).

Districts 32, 33, and 34.

1975 temporary plan District 15 (Washington and Issaquena Counties) was a geographically large (692 sq. mi.) multi-county, multi-member district electing 4 representatives, in which black voting strength was diluted and in which blacks constitute a minority of only 49.5% of the 1975 voting age population (Ex. P-13). The voting strength of blacks living in majority black Issaquena County, and the voting strength of 38,360 blacks living in Washington County were diluted by encompassing them in a white voting age population majority district (see Exhibit 1, attached).

Under the 1976 permanent plan, three single-member districts carved out of this large multi-member district, Districts 32, 33, and 34, are both majority black in population and in 1975 voting age population (see Exhibit 1), thus alleviating the manifest dilution effected by the prior multi-member district.

Districts 37 and 38.

The 1975 temporary plan combined Leflore County and Carroll County in a multi-county, multi-member district electing three representatives in which the substantial potential of black voting strength of Leflore County was diluted by including it in a district in which whites held a 52.7% majority of the total 1975 voting age population (Ex. P-13). At-large countywide and districtwide voting was perpetuated in this district in the 1975 plan even though the U.S. District Court for the Northern District of Mississippi and the U.S. Court of Appeals for the Fifth Circuit had ruled that at-large voting in Leflore County unconstitutionally diluted black voting strength. *Moore v. Leflore County Bd. of Election Commissioners*, 351 F. Supp. 848 (N.D. Miss. 1971) (three-judge court) (striking down at-large elections), 361 F. Supp. 603 (N.D. Miss. 1972), 361 F. Supp. 609 (N.D. Miss. 1973)

(refusing to allow at-large elections), *aff'd*, 502 F.2d 621 (5th Cir. 1974).

This unconstitutional dilution has now been offset in new Districts 37 and 38. In District 37, which includes Beats 4 and 5 of Leflore County, blacks constitute 69.1% of the total population (1970 Census), and 61.2% of the 1975 voting age population. In District 38, which includes Carroll and part of Leflore, blacks constitute 51.3% of the total population.

District 52.

Old Districts 23, 23A, and 23B in the 1975 temporary plan (electing a total of five representatives) diluted black voting strength by combining majority black Noxubee County (65.8% black) with majority white Oktibbeha County (64.6% white) in District 23A in which whites were 66.6% of the 1975 voting age population districtwide (Ex. P-13) and with both Oktibbeha and majority white Lowndes County (67.1% white) in District 23B, in which whites were 71.0% of the 1975 voting age population districtwide (Ex. P-13).

New District 52 offsets this dilution of Noxubee black voting strength by creating a single-member district in which blacks constitute 68.0% of the total population and an estimated 59.4% of the 1975 voting age population.

District 79.

The 1975 temporary plan in old District 24 diluted black voting strength through countywide and districtwide voting in a multi-member district which elected four representatives from Kemper and Lauderdale Counties. Under this arrangement, the voting strength of the 20,630 blacks residing in Lauderdale, more than enough to create an 18,171 single-member district, was diluted by districtwide multi-county voting in a district in which whites were a majority of the total population (65.5%) and a greater majority of the 1975 voting age population (72.0%) (Ex. P-13).

This dilution is diminished in new District 79, in which blacks constitute 56.1% of the total population of the new district.

Districts 47 and 56.

In the 1975 temporary plan, Sharkey and Yazoo Counties were placed together in a multi-member district (old District 29). Although both counties were majority black in total population, the combining of the two in a single multi-county, multi-member district diluted black voting strength by producing a district in which whites constituted a 52.9% majority of the 1975 voting age population (Ex. P-13). This result is achieved because, although both counties are black majority in population, Yazoo County has a white 1975 voting age population majority of 55% (Ex. P-13).

This dilution is offset under the 1976 plan in which two black majority districts are carved out of old District 29. District 47 has a black population majority of 64.8% and an estimated 1975 black voting age population majority of 55.5%. District 56, included entirely within Yazoo County, has a slight black population majority of 50.9%.

District 81.

Of all the multi-member districts created by the 1971 and 1975 temporary plans, the discrimination in old District 30 was among the most egregious. Claiborne County, which is one of the blackest counties in the state (74.58% black, 1970 Census) and which has numerous black countywide elected officials, was combined with 58.85% white majority Warren County with the effect of diluting black voting strength in a white districtwide population majority of 52.7% and a greater white districtwide 1975 voting age population majority of 58.5%. Further, the voting strength of 18,355 blacks living in Warren County was diluted and cancelled out in the white districtwide population and voting age population majority.

Under the 1976 plan, majority black Claiborne is combined with majority black Jefferson County in new District 81 which has a black population majority of 74.9% and a black 1975 estimated voting age population majority of 69.9%.

District 89.

Although there are 17,865 blacks in Adams County, enough to comprise a majority in a single-member district, black voting strength was cancelled out in the 1975 plan in old District 33 by countywide voting in a multi-member district which had a white population majority of 51.93% (1970 Census) and a greater white 1975 voting age population majority of 56.4% (Ex. P-13). Further, in the Adams County redistricting case, *Howard v. Adams County Board of Supervisors*, Judge Nixon in an unreported District Court decision rejected the Board's proposal for countywide voting for supervisors as inequitable (Civil No. 1352(N), S.D. Miss., Vicksburg Div., Opinion of July 20, 1971).

This dilution is offset in the 1976 single-member plan by giving Adams County blacks a black population majority of 53.0% in new District 89.

District 97.

In the 1975 plan, black voting strength was diluted and cancelled out in old District 34, comprising Amite, Franklin, and Wilkinson Counties, by combining Wilkinson, which had a black voting age population majority of 62% (1975, Ex. P-13), with the two white voting age population majority counties of Amite (59% white 1975 VAP) and Franklin (67% white 1975 VAP). The district had a total white 1975 voting age population majority of 54.2%, thus depriving black voters of any realistic opportunity to elect legislators of their choice.

Under the 1976 plan, District 97, which includes Wilkinson and three beats of Amite, has a black population majority of 60.6% and a black 1975 voting age population majority of 53.3%.

Constitutional Standards.

The above discussion points out the districts in the 1975 plan in which black voting strength was diluted and which that dilution is diminished or offset to varying degrees by the single-member districts contained in the 1976 plan. For a demonstration of the constitutional standards and their applicability to the old districts of the 1975 plan, we would refer the Court to our previous

memos on this subject, including Plaintiffs' Memorandum of Law, filed February 14, 1975, Plaintiffs' Supplemental Post-Trial Memorandum of Law, filed May 10, 1975, Appellants' Jurisdictional Statement, *Connor v. Waller*, 421 U.S. 656 (1975), Plaintiffs' Motion to Alter or Amend Judgment, filed July 21, 1975, and Plaintiffs' Memorandum of Law, filed June 23, 1976.

B. *Districts in Which Incumbents Are Placed Together in a Single District and Districts Which Are Not Represented in the New Plan.*

Plaintiffs also urge the Court to order special elections in those districts in which two incumbents are thrown together in a single new district, and in those districts in which, under the new plan, there are currently no representatives.

The reasons in both cases are simple and obvious. Each district which contains two incumbent representatives under the new plan is currently overrepresented in the Legislature by a deviation of approximately 100 percent. For each approximately 18,171 people in each of these districts, there currently are two representatives, rather than the one required by the Constitution. A list of these districts is attached hereto as Exhibit 2. The voters in these two-member districts, to whom the representatives are responsible and on whom the current representatives must rely for reelection, under the new plan now have twice the political power and influence in the Legislature of districts which have only one resident representative under the new plan.

Each district which has no incumbent representative under the new plan, which also are listed in Exhibit 2 attached, currently has no representation and under the new plan no current political power or influence in the Legislature. The voters in these districts which have no resident legislators are totally unrepresented under the new plan. Hence, special elections are required in these new districts as well.

WHEREFORE, plaintiffs pray that their motion be granted.

Respectfully submitted,

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[Certificate of Service Omitted]

Exhibit 1. NEW HOUSE DISTRICTS IN WHICH SPECIAL ELECTIONS
SHOULD BE HELD.

| <u>Old District</u> | <u>Description</u> | <u>No. of Reps.</u> | <u>1975 Voting White %</u> | <u>Age Pop. Black %</u> | <u>1/ New District</u> | <u>Description</u> | <u>% Black ^{2/} (1970 Census)</u> | <u>1975 Black ^{3/} VAP Percent</u> |
|---------------------|--------------------------------|-------------------------|--------------------------------|-----------------------------|--------------------------------|--|--|---|
| 3,3A,3B (Floterial) | DeSoto and Marshall | 3 | 69.3 % | 30.7 % | 3 | Marshall, Beats 1, 2, 3 and 4 | 67.2 % | 57.5 % |
| 9 | Panola and Yalobusha | 2 | 61.1 % | 38.9 % | 10 | Panola, Beats 1, 2 and 5 | 53.8 % | 44.5 % |
| 11 | Coahoma | 2 | 43.4 % | 56.6 % | 15 | Coahoma precincts | 54.7 % | 46.6 % |
| 11A | Quitman and Tunica | 1 | 46.4 % | 53.6 % | 16 | Coahoma precincts | 69.0 % | 61.8 % |
| 11B (Floterial) | Coahoma, Quitman and Tunica | 1 | 44.5 % | 55.5 % | 8 | Tunica, Beats 1,2,3, and 4, Armory; Coahoma precincts | 74.0 % | 65.3 % |
| | | | | | 17 | Quitman; Tunica, Two Mile Lake | 58.7 % | 49.0 % |
| 12 | Tallahatchie | 1 | 50.0 % | 50.0 % | 27 | Tallahatchie, Beats 1,2, 4 and 5, Paynes | 62.4 % | 52.6 % |
| 3 | Sunflower | 2 | 47.0 % | 53.0 % | 25 | Sunflower, Beats 1 and 3, Moorhead, | 66.9 % | 57.6 % |
| | | | | | 26 | Sunflower, Beat 5, other precincts | 58.5 % | 48.3 % |
| 14 | Bolivar | 3 | 48.6 % | 51.4 % | 22 | Bolivar, Beat 1 and other precincts; Sun- flower, Boyer-Linn | 69.0 % | 59.6 % |
| | | | | | 24 | Bolivar, Beat 3 and N. Cleveland and Merigold | 70.9 % | 54.5 % |

^{1/} E. Bryant and S. El-Attar, Population of Mississippi Legislative and Congressional Districts, 1970, and Projections to 1975 (Mississippi State University 1973) (Ex. p-13).

^{2/} Based on 1970 Census data, estimated for precincts based on census enumeration districts.

^{3/} Estimates based on Ex. P- 13, supra.

| <u>Old District</u> | <u>Description</u> | <u>No. of Reps.</u> | <u>1975 Voting White %</u> | <u>Age Pop. Black %</u> | <u>New District</u> | <u>Description</u> | <u>% Black (1970 Census)</u> | <u>1975 Black VAP Percent</u> |
|---------------------|------------------------------------|-------------------------|--------------------------------|-----------------------------|-------------------------|--|----------------------------------|-----------------------------------|
| 15 | Issaquena and Washington | 4 | 50.6 % | 49.4 % | 32 | Issaquena; Washington, Beat 1 and Avon | 57.9 % | 52.1 % |
| | | | | | 33 | Washington, Precincts | 55.7 % | 50.6 % |
| | | | | | 34 | Washington, Beat 3 and New County Garage | 56.0 % | 50.9 % |
| 17 | Carroll and Leflore | 3 | 52.7 % | 47.3 % | 37 | Leflore, beats 4 and 5 | 69.1 % | 61.2 % |
| | | | | | 38 | Carroll; Leflore, two precincts, Attala, Beat 3 (less Possumneck) | 51.3 % | 41.4 % |
| 23 | Lowndes | 2 | 74.6 % | 25.4 % | | | | |
| 23A | Oktibbeha and Noxubee | 2 | 66.6 % | 43.4 % | | | | |
| 23B | Lowndes, Noxubee, and Oktibbeha | 1 | 71.0 % | 29.0 % | 52 | Noxubee; Lowndes, Crawford and Artesia | 68.0 % | 59.4 % |
| | Kemper and Lauderdale | 4 | 72.0 % | 38.0 % | 79 | Lauderdale, Meridian precincts and East Bonita | 56.1 % | 49.6 % |
| 29 | Sharkey and Yazoo | 2 | 52.9 % | 47.1 % | 47 | Sharkey; Humphreys, Beat 5; Yazoo prects. | 64.8 % | 55.3 % |
| | | | | | 56 | Yazoo precincts | 50.9 % | 42.5 % |

| <u>Old District</u> | <u>Description</u> | <u>No. of Reps.</u> | <u>1975 Voting White %</u> | <u>Age Pop. Black %</u> | <u>New District</u> | <u>Description</u> | <u>% Black (1970 Census)</u> | <u>1975 Black VAP Percent</u> |
|---------------------|-----------------------------------|-------------------------|--------------------------------|-----------------------------|-------------------------|--|----------------------------------|-----------------------------------|
| 30 | Claiborne and Warren | 3 | 58.5 % | 41.5 % | 81 | Claiborne and Jefferson | 74.9 % | 69.9 % |
| 33 | Adams | 2 | 56.4 % | 43.6 % | 89 | Adams, Beats 4 and 5, Somerset | 53.0 % | 48.6 % |
| 34 | Amite, Franklin, and Wilkinson | 2 | 54.2 % | 45.8 % | 97 | Wilkinson; Amite, Beats 1, 2, and 3 | 60.6 % | 53.3 % |

EXHIBIT 2. HOUSE MEMBERS PLACED IN THE SAME DISTRICT AND DISTRICTS WITHOUT REPRESENTATION.

| <u>New District</u> | <u>House Members</u> | <u>District Without Rep.</u> |
|---------------------|--|------------------------------|
| 6 | Irby Benjamin (Reinzi) Jimmy Ray McCalla (Corinth) | 4 |
| 8 | Harry Neblett (Jonestown) Malcolm Mabry (Dublin) | 16 |
| 10 | Wes McIngvale (Batesville) Harry Bryan (Batesville) | 11 |
| 20 | Tommy Brooks (Tupelo) Harold Montgomery (Tupelo) | 30 |
| 44 | Horace Harned (Starkville) Glenn Shumake (Columbus) | 52 |
| 53 | George Rogers (Vicksburg) Donald Cross (Vicksburg) | 54 |
| 56 | Tommy Campbell (Yazoo City) John Sharpe Holmes (Yazoo City) | 47 |
| 74 | Lonnie Johnson (Rankin Co.) Jimmie Morrow (Brandon) | 75 |
| 83 | Bobby Anderson (Wesson) Harold Fortenberry (Monticello) | 81 |
| 88 | Walter Brown (Natchez) Tommy O'Beirne (Natchez) | 89 |
| 93 | Tucker Buchanan (Laurel) Vincent Scoper (Laurel) | 95 |
| 99 | Tommy Walmon (McComb) Ashley Atkinson (McComb) | 98 |
| 113 | Glenn Endris Jerry O'Keefe | 115 |

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

[Filed Sept. 20, 1976]

Civil Action No. 3830 (A)

MOTION TO ALTER AND AMEND JUDGMENT
AND PLAINTIFFS' OBJECTIONS TO 1976
COURT-ORDERED LEGISLATIVE
REAPPORTIONMENT PLAN

Plaintiffs, by their attorneys, move the Court to alter and amend its Judgment of September 8, 1976, to conform its court-ordered legislative reapportionment plan to constitutional and equitable requirements, and file herewith their objections to the Senate and House redistricting plans.

A. SENATE PLAN.

1. Upon information and belief, in estimating precinct population for the Senate plan, the Court used not 1970 Census data or even current voter registration data, but estimated precinct population using the votes received by the Democratic candidates for Governor in the August 5, 1975 Democratic primary election for each precinct used in the plan. This is a totally unreliable method of calculating or estimating population statistics. The method of estimation results in extreme variances from population equality and apparently excludes persons who did not vote in that primary and Republican voters from the population statistics.

2. Plaintiffs object to the use of supervisors' districts (beats) in legislative redistricting. Throughout the state the boundaries of supervisors districts fractionate, dilute, and minimize and cancel out black voting strength, and are uncompact. Further, in most cases supervisors districts (those drawn by Comprehensive Planners, Inc.) are drawn to attempt to equalize county-maintained road

mileage and land area, factors which have no place in legislative reapportionment.

Further, throughout Mississippi supervisors' district (beat) lines are based not on natural and physical boundaries such as rivers, streams, highways, county roads and the like, but are defined by land section lines which are invisible to the voter and fail to provide voters a guide regarding which legislative district they are in (see *Connor v. Johnson*, 330 F. Supp. 506, 518).

3. The Senate plan fails to provide substantial equality of population among the districts, in violation of the Equal Protection Clause of the Fourteenth Amendment. According to the statistics provided in the Court plan, the Senate plan has a total deviation of 16.7 percent, which is an unconstitutionally and inequitably high deviation for a court-ordered plan. Moreover, our analysis of the Senate plan indicates that the total deviation is in fact much higher. Our analysis indicates an error in the population figures for Districts 28 and 29. According to our analysis, the Court erroneously included all of Census enumeration districts 7, 27, and 28 in Holmes County Beats 2 and 3 (District 28), when in fact a substantial portion of those ED's are outside of Beats 2 and 3 and lie within Beats 1 and 4 (District 29). Copies of the Holmes County Census map and redistricting plan maps are attached. Further, a small portion of ED 25 which is within Beat 3 was not included in the calculations for Beat 3. Accordingly, our calculations, based on Census enumeration districts and estimating for split ED's indicate the following population for District 28 and 29:

| District | Court's Total | Plaintiffs' Total (Based on 1970 Census) | Correct Variance |
|----------|------------------|---|---------------------|
| 28 | 45,612 | 44,943 | +5.42% |
| 29 | 46,223 | 46,892 | +9.99% |

These corrected population statistics show a total deviation in the Senate plan between the maximum minus variance, District 38 (—8.33%), and the maximum plus variance, District 29 (+9.99%), of 18.32%.

There are in the record other alternative plans which would provide much greater equality of population among

the districts even preserving county boundaries. The Henderson County Boundary Plan (Ex. P-8, Exhibit 3), attached hereto, still adheres to county boundary lines, yet contains a total deviation of only 10.51 percent. (The Henderson Senate plan is incomplete because it contains 17 multi-member districts. But those multi-member districts can be subdivided into single-member districts along beat and precinct lines with no greater deviation from population equality, just as the Court has done with its Senate plan.)

4. The Senate plan in a number of districts dilutes black voting strength:

(a) The single-member districts in the Senate plan are based in substantial part and are carved out of the 1971 and 1975 court-ordered multi-member district plan which diluted black voting strength in a number of districts by combining majority black counties with majority white counties for districtwide white majorities, and by providing for countywide, at-large voting.

(b) Districts 31 through 35 are based on the Hinds County supervisors' districts which split up and divide the county's heaviest concentration of black population located in Jackson (69 percent of the total county black population) among all five districts. Although two districts have slight black population majorities, all five districts are majority white in voting age population and registered voters. These figures, taken from the record in *Kirksey v. Board of Supervisors of Hinds County, Mississippi*, No. 75-2212, U. S. Court of Appeals for the Fifth Circuit, are attached.

Plaintiffs move the Court to adopt plaintiffs' Census Tract plan (Ex. P-14) as an alternative to this discriminatory supervisors' district arrangement.

(c) In several instances, majority black counties, or majority black parts of majority black counties, are combined with majority white counties, or parts of majority white counties, resulting in districts which are majority white districtwide. For example, Claiborne County, which is 74 percent black, is combined with Beat 3 of Copiah County and Lincoln County, which is 69 percent

white, to make up a white majority district which dilutes black voting strength in Claiborne County:

| District 37 | Total Pop. | White | Black |
|-----------------------------|------------|-----------------|-----------------|
| Claiborne | 10,086 | 2,536 | 7,522 |
| Copiah, Beat 3 ¹ | 4,705 | 1,879 | 2,826 |
| Lincoln | 26,198 | 18,138 | 8,035 |
| Totals | 40,989 | 22,553 (55.02%) | 18,383 (44.85%) |

Similarly, 75 percent Black Jefferson County is combined with four supervisors' districts in white majority Adams County (District 38) to dilute black voting strength in Jefferson.

Such dilution is not necessary. An alternative would be to combine Claiborne, Jefferson, and Copiah in a single-member district with a variance of only +3.51 percent which would not dilute black voting strength and which would produce a districtwide black majority:

| | Total | White | Black |
|-----------|--------|-----------------|-----------------|
| Claiborne | 10,086 | 2,536 | 7,522 |
| Jefferson | 9,295 | 2,296 | 6,996 |
| Copiah | 24,749 | 12,298 | 12,437 |
| Totals | 44,130 | 17,130 (38.82%) | 26,955 (61.08%) |

Plaintiffs move the Court to accept this alternative, and to adjust the adjoining district to accommodate it.

Similar dilution may be found in Districts 1, 2, 11, 22, 23, and 39.

5. Although the statistics set out by the Court in its plan indicate that 14 districts are majority black in population, there are errors in the Court's tabulations and these figures do not accurately reflect present black voting strength in those districts. For example, the statistics given for Districts 32 (Hinds County Beat 2) and 33 (Hinds County Beat 3), 54.3 percent black and 51.2 percent black, respectively, are in error. The record in the *Kirksey* case indicates that present Beat 2 is 53.4

¹ Beat 3 population estimated from 1970 Census enumeration districts. Other figures are 1970 Census.

percent black and present Beat 3 is 27.7 percent black, *Kirksey v. Board of Supervisors of Hinds County*, 402 F. Supp. 658, 668 (S.D. Miss. 1975), aff'd, 528 F.2d 536 (5th Cir. 1976), pending on rehearing en banc.

A more reliable measure of voting strength in these districts is the Mississippi State University 1975 projections of voting age population by race (Ex. P-13). These figures (applying the countywide proportions to parts of counties) show that at best there are only six districts with black 1975 voting age population majorities, none of them above 56 percent:

| District | 1970 Black Pop. Percent ² | 1975 Black VAP Percent ³ |
|----------|--------------------------------------|-------------------------------------|
| 12 | 57.2% | 45% |
| 13 | 63.9% | 56% |
| 14 | 59.6% | 49.5% |
| 15 | 64.4% | 55% |
| 16 | 57.4% | 52% |
| 17 | 55.5% | 48% |
| 18 | 57.9% | 49% |
| 19 | 51.9% | 42% |
| 28 | 62.0% | 52% |
| 29 | 60.8% | 52% |
| 32* | 53.4% | 48.0% |
| 35* | 54.0% | 48.6% |
| 38 | 55.6% | 51% |
| 39 | 51.3% | 44% |

B. HOUSE PLAN.

1. Objections 1 and 2 set out in the objections to the Senate plan are reiterated here.

2. The House plan fails to provide substantial equality of population among the districts, in violation of the

² 1970 Census data and estimates for beats and precincts using Census enumeration districts and Census statistics.

³ Estimates based on county ratios contained in Mississippi State University study, Ex. P-13, except where indicated.

* 1970 black population and 1970 black voting age population taken from record in *Kirksey* case, *supra*.

Equal Protection Clause of the Fourteenth Amendment. According to the statistics provided in the Court plan, the House plan has a total deviation of 18.5 percent. However, our analysis of the House plan indicates that the total deviation is in fact much higher.

Our analysis indicates that there are errors in the population calculations for Districts 53, 54, 55, and 56. District 53 is composed of only six precincts in the rural, sparsely populated southern portion of Warren County. Our analysis, based on estimates of precinct population from 1970 Census data, indicates that District 53 contains only an estimated 9,880 persons, for a variance of -45.63 percent. Census maps (which are attached) show that these six precincts include in whole or in part ED's 44 (part), 45 (part), 46 (part) (we also include 46B), 47, 48, and 49. Even if all of these ED's with no splits were included within District 53, the total population of the district, according to 1970 Census data, would equal only 10,699 persons.

District 54, on the other hand, is composed of seven precincts, all but one (Jonestown) entirely within the City of Vicksburg (pop. 25,478), the most heavily populated portion of Warren County. Our analysis indicates that according to 1970 Census data (estimating for split ED's), District 54 contains a total of 26,031 persons, for a variance of +43.25 percent.

These corrected population statistics show a total deviation in the House plan between the maximum minus variance, District 53 (-45.63%), and the maximum plus variance, District 54 (+43.25%), of 88.88 percent. Our analysis further shows that 12 districts have a variance of more than 10 percent, plus and minus. These are: Districts 54 (+43.26%), 45 (+12.0%), 60 (+12.0%), 34 (+11.0%), 22 (+10.4%), 53 (-45.63%), 55 (-20.96%), 56 (-16.3%), 24 (-15.4%), 16 (-13.6%), 23 (-10.8%) and 85 (-10.2%).

3. For districts 118, 119, 120, 121, and 122 (Jackson County) there are no population statistics available. The District Court order approving the Jackson County redistricting makes no findings of fact with regard to the population for each of the new supervisors' districts

(beats) within Jackson County. In its September 8 order, the Court recognized that no population statistics for Jackson County beats were available when it simply divided the total county population five ways to arrive at the population for each beat, but there is nothing in the record nor in the court order in the Jackson County redistricting case to justify this apportionment of population.

4. Throughout the House plan, voting precincts are used to define districts. However, many counties in which precincts are used, such as Holmes, Covington, Alcorn, and Tallahatchie, have no precinct boundaries at all. Hence, it is impossible geographically to define the boundaries of the legislative districts established by the Court in those counties.

5. The various portions of District 99 (Pike County, Beats 2, 3, and 4) are not contiguous. Beats 1 and 5 cut through the City of McComb to separate Beat 2 from Beats 3 and 4. We suggest that this can be cured by reconstituting District 98 to include Amite County, Beats 4 and 5, and Pike County, Beats 4 and 5, and by reconstituting District 99 to include Pike County, Beats 1, 2, and 3.

WHEREFORE, we move the Court as follows:

1. Order a hearing on plaintiffs' objections to the court-ordered Senate and House plans.

2. Order those necessary changes in the Senate and House plans which can be made prior to the upcoming special elections which can be made with a minimum of confusion and alteration of the court-ordered plans.

3. Order the August 24 Senate plan and September 8 House plan into effect as interim plans for the upcoming special elections to be held this year, with any changes which can be made with convenience prior to those special elections.

4. Order such other substantive changes as may be necessary to conform the Senate and House plans to constitutional requirements to take effect after the special elections are held and to take effect for the regular 1979 legislative elections.

In any event, the special legislative elections previously proposed by this Court and ordered by the United States Supreme Court in its mandate of May 19, 1976 should be permitted to go forward on the basis of the single-member districts ordered by the Court, with such changes as can be made prior to the election, in those districts in which special elections are required to cure the dilution of black voting strength present in the 1975 temporary plan and to remedy extreme malapportionment in that plan, and to make necessary adjustments in representation caused by the promulgation of single-member districts. These single-member districts, particularly in the House plan, go far toward remedying the dilution of black voting strength present in the prior plan. However, because of residual malapportionment, racial dilution, and districting problems which remain in the 1976 court-ordered plan, plaintiffs move the Court to make additional alterations in its plan or to consider alternative plans proposed by plaintiffs and plaintiff-intervenor as permanent plans for the 1979 legislative elections.

Respectfully submitted,

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EXHIBITS TO MOTION

- EXHIBIT A. Holmes County Census map.
- EXHIBIT B. Map showing Holmes County redistricting plan.
- EXHIBIT C. Henderson County Boundary Senate plan.
- EXHIBIT D. Hinds County beat population and voting age population figures.
- EXHIBIT E. Warren County Census map.

[Exhibits Omitted]

[Certificate of Service Omitted]

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830(A)

[Filed Sept. 28, 1976]

[Caption Omitted]

PROPOSAL BY THE UNITED STATES
FOR SPECIAL ELECTIONS

In its Order of September 8, 1976, this Court set forth a permanent apportionment plan for the Mississippi State House of Representatives and directed the parties to this litigation:

"... to file a list of the districts for the election of Representatives in which special elections should be held... assigning their reasons as to each district individually."

Without necessarily agreeing with all of the districts set forth in the Court's ordered plan, as to which our analysis is continuing and with respect to which we will request leave to file our views concerning the sufficiency of the plan as a permanent plan for the 1979 election, the United States hereby submits its analysis of the need for special elections under the plan drawn by the Court.

The attached chart sets forth the districts in which we submit special elections are appropriate, indicating the number of the district as set forth in the Court's Order of September 8, 1976, and the corresponding district number under the Temporary Plan ordered July 11, 1975. The criteria set forth below are derived from relevant case authorities and were utilized to determine the districts in which special elections are required. Since our interest arises primarily by virtue of the Voting Rights Act, our criteria are limited to situations involving potential dilution of the black vote or other

Fifteenth Amendment considerations. As discussed later in this memorandum the criteria have been modified from those set forth in our memorandum on the Senate plan. As with the Senate plan, we suggest that the Court may wish to consider the need for special elections under Fourteenth Amendment principles for any district in which the constituency is substantially altered.

Criteria Used:

- (1) The Temporary Plan district was a multi-member district and the district under the Permanent Plan has a black voting age population majority or contains a substantial black population if, in the latter instance, the black minority in the resulting single-member district is appreciably larger than the black percentage in the previously existing multi-member district; or,
- (2) The district pursuant to the Temporary Plan, although a single-member district, was altered and the Permanent Plan district has a black voting age population majority where none existed before.

The application of these criteria results in recommended special elections in 29 house districts. The house districts, and the criteria under which each district falls, are incorporated in the attached chart.

In addition, we would like to take this opportunity to bring to the Court's attention an error in the application to the senate plan criteria set forth in our submission to the Court on September 8, 1976. In that proposal we listed new senate districts 40, 41, 42 and 43 as districts in which special elections should be held. However, our continuing analysis shows that since old district 26 was a single-member district, criteria number 1 in our prior proposal would not apply to new senate district 40 and since new district 40 does not have a majority black voting age population criteria number 2 would not apply. Furthermore, new district 40 is, except for two beats of Walthal County, essentially the same as old district 26.

A somewhat similar situation exists with regard to new senate district 43. Except for one beat and a portion of another (2 precincts), Jones County constitutes new senate district 43 whereas one of the old subdistricts (27(a)), electing its own senator, in previously existing floterial district 27 was made up of Jones County in its entirety. Thus, with a minor variation the new district 43 constituency conforms to that of the old Jones County subdistrict which elected a senator.

For these reasons, application of our criteria 1 and 2 of the previous memorandum would not warrant special elections in either district 40 or 43 of the senate plan. Districts 41 and 42 were included under criteria number 3 only because of their interrelationship with districts 40 and 43. Consequently, we request the Court's permission to withdraw our recommendation for special elections in senate districts 40, 41, 42 and 43. (We note in passing that the significant alteration of the constituency in districts 41 and 42 may raise the kind of Fourteenth Amendment questions alluded to previously as non-dilution type issues appropriate for the Court's consideration.)

Finally, our analysis has occasioned us to re-evaluate the criteria stated in our memorandum on the senate plan. In doing so, we conclude that criteria number 3 in our previous memorandum is not primarily one dealing with Voting Rights Act-Fifteenth Amendment considerations, geared as it is toward the fallout effects of situations which, in our view, do involve such considerations. Accordingly, we have eliminated criteria number 3 from our proposal relating to the house plan. In addition, we have reassessed the senate plan without regard to criteria number 3. As reflected in this memorandum we have also refined criteria number 1 and, as a result, conclude that new senate districts 1 and 2 may also be eliminated from the list of special election districts.

In conclusion, therefore, we offer the attached list of house of representatives districts in which special elections should be held and request that new senate districts 1, 2, 40, 41, 42 and 43 be eliminated from our

previously submitted list of senate districts recommended for special elections. As modified, our recommendation is that special elections should be scheduled in 8 senate districts and 29 house districts in the Court's proposed plan.

Respectfully submitted,

/s/ Gerald W. Jones
MICHAEL D. JOHNSON
Attorneys
Department of Justice
Washington, D.C. 20530

MISSISSIPPI HOUSE DISTRICTS (COURT ORDER
SEPTEMBER 8, 1976) IN WHICH THE UNITED STATES
RECOMMENDS SPECIAL ELECTIONS

| PERMANENT PLAN | | | TEMPORARY PLAN | | | Applicable Criteria |
|----------------|----------------|----------------------------|----------------------|----------------|----------------------------|------------------------|
| Dist. # | Blk. Pop. % | Blk. ¹ VAP % | Dist. # ² | Blk. Pop. % | Blk. ¹ VAP % | |
| 3 | 67.7 | 62.0 | 3(3) | 45.9 | | 1 |
| 8 | 74.2 | 68.2 | 11(4) | 64.2 | 57.6 | 1 |
| 10 | 53.5 | | 9(2) | 47.9 | | 1 |
| 15 | 57.4 | 50.8 | 11(4) | 64.2 | 57.6 | 1 |
| 16 | 62.1 | 55.6 | 11(4) | 64.2 | 57.6 | 1 |
| 17 | 58.8 | 51.6 | 11(4) | 64.2 | 57.6 | 1 |
| 22 | 70.0 | 62.0 | 13(2) | 62.8 | 54.8 | 1 |
| | | | 14(3) | 61.4 | 53.3 | |
| 24 | 68.9 | 60.7 | 14(3) | 61.4 | 53.3 | 1 |
| 25 | 64.3 | 56.8 | 13(2) | 62.8 | 54.8 | 1 |
| 26 | 60.9 | 52.3 | 13(2) | 62.8 | 54.8 | 1 |
| 32 | 58.1 | 52.3 | 15(4) | 54.8 | 49.4 | 1 |
| 33 | 56.1 | 50.6 | 15(4) | 54.8 | 49.4 | 1 |
| 34 | 55.5 | | 15(4) | 54.8 | 49.4 | 1 |
| 37 | 68.6 | 62.8 | 17(3) | 56.6 | 50.1 | 1 |
| 38 | 51.4 | | 17(3) | 56.6 | 50.1 | 1 |
| | | | 19(1) | 40.4 | | |
| 47 | 64.8 | 57.4 | 16(2) | 66.8 | 59.4 | 1 |
| | | | 29(2) | 56.2 | 49.6 | |
| 48 | 62.6 | 55.7 | 16(2) | 66.8 | 59.4 | 1 |
| 49 | 69.2 | 60.1 | 16(2) | 66.8 | 59.4 | 1 |
| 52 | 67.9 | 61.33 | 23(5) | 38.4 | | 1 |
| 56 | 50.7 | | 29(2) | 56.2 | 49.6 | 1 |
| 57 | 66.5 | 61.1 | 28(4) | 42.0 | | 1 |
| 79 | 55.4 | 50.00 | 24(4) | 33.9 | | 1 |
| 81 | 74.9 | 70.5 | 30(3) | 47.0 | | 1 |
| | | | 32(2) | 57.1 | 50.1 | |
| 82 | 52.8 | | 32(2) | 57.1 | 50.1 | 1 |
| 89 | 54.6 | 50.7 | 33(2) | 47.9 | | 1 |
| 97 | 60.65 | 54.2 | 34(2) | 53.4 | 46.6 | 1 |
| 103 | 42.7 | | 39(4) | 22.1 | | 1 |
| 105 | 40.1 | | 39(4) | 22.1 | | 1 |
| 115 | 45.6 | | 45 to | 5.4 to | | 1 |
| | | | 45E(7) | 34.3 | | 1 |

Total special election districts—29

¹ Black VAP not shown where less than 50%.

² Size of multimember districts shown in parenthesis.

[Certificate of Service Omitted]

THE STATE OF MISSISSIPPI
DEPARTMENT OF AUDIT

September 28, 1976

[Filed Sept. 29, 1976]

Hon. J. P. Coleman, Judge
United States Fifth Circuit
Court of Appeals
Ackerman, Mississippi 39735

Dear Judge Coleman:

Upon my return to the state—ten days earlier than expected—I found that there was an error in the territory used in House Districts Nos. 98 and 99, involving Amite and Pike counties.

The latest map that I had procured for Pike County showed the territory used in the plan as submitted to the Court as being contiguous. However, after returning home I have had access to maps fortunately furnished by Hon. Ashley Atkinson and Hon. Thomas H. Walman, together with supporting documents, as well as more recent maps that I have been able to procure. These new maps, together with supporting data, show conclusively that the territory embraced in House District 99 is not contiguous.

Therefore, I make the following recommendation to the Court, which is in line with the suggestions made by Messrs. Atkinson and Walman as well as with that made by Hon. Frank R. Parker, Attorney for the Plaintiffs:

| | |
|-----------------------------------|--------|
| 98. Pike County: Beats 4 and 5; | |
| Amite County: Beats 4 and 5 | 17,995 |
| | —1.0 |
| 99. Pike County: Beats 1, 2 and 3 | 19,269 |
| | +6.0 |

Population figures used in this revised plan are the same as those submitted by Pike and Amite counties under

Section 5 of the Voting Rights Act of 1964, except for an adjustment of 26 persons omitted from the Pike County total in the said submission.

I deeply regret this error but I trust that this change will resolve the matter satisfactorily to all concerned.

Respectfully submitted,

/s/ W. D. Neal
WILLIAM D. NEAL
1137 St. Ann
Jackson, Mississippi 39202

cc: Hon. Dan M. Russell
Chief Judge
United States District Court
P. O. Box 1930
Gulfport, Mississippi 39501

Hon. William Harold Cox
United States District Judge
P. O. Drawer 2447
Jackson, Mississippi 39205

The Clerk
United States District Court
P. O. Box 769
Jackson, Mississippi 39205

Hon. A. F. Summer
Attorney General
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Jackson, Mississippi 39205

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Hon. Gerald W. Jones
Civil Rights Division
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Hon. Ashley Atkinson
P. O. Box 155
McComb, Mississippi 39648

Hon. Thomas H. Walman
629 Lake Shore Drive
McComb, Mississippi 39648

WILLIAM D. NEAL
1137 St. Ann Street
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MEMO. FROM SPECIAL MASTER

HOUSE OF REPRESENTATIVES

DISTRICTS TO WHICH PLAINTIFF HAS
ENTERED EXCEPTIONS

A. WHERE LACK OF "SUBSTANTIAL EQUAL-
ITY OF POPULATION AMONG THE DIS-
TRICTS" IS CHARGED

| <u>District</u> | | <u>Population</u> |
|-----------------|--|----------------------|
| 16 | Coahoma Plaintiff estimates population here at —13.6% variance from the norm. We do not accept this estimate as accurate. | 17,017 |
| 8 | However, it has been found that in Dis- trict 8 (parts of Tunica and Coahoma) there is a lack of contiguity. Therefore, we recommend substitution of the follow- ing alternates, which affect all three Dis- tricts in which Coahoma County is in- volved: | |
| 8 | Tunica County: Beats 1, 2, 3, and 4, plus the Armory Precinct in Beat 5 | 10,508 |
| | Coahoma County: Coahoma, Lula & Lyon Precincts in Beat 1; & Jonestown Pre- cinct in Beat 3 | 6,305 16,813 —7.5 |
| 15 | Coahoma County: Beat 2; & the Clarks- dale Precincts in Beats 1 and 3 | 16,677 —8.2 |
| 16 | Coahoma County: Beats 4 and 5; and Mattson Precinct in Beat 3 | 17,465 —3.9 |
| 22 | Bolivar-Sunflower Plaintiff estimates +10.4% variance here. | |
| 23 | Bolivar Plaintiff estimates —10.8% variance here. | |

District

Population

| | |
|----|---|
| 24 | Bolivar Plaintiff estimates —15.4% variance here. The Special Master does not agree that Plaintiff's estimates are correct. It is recommended that these three districts remain unchanged. |
| 34 | Washington County Plaintiff estimates population here to be +11.0% variance from the norm. We must express doubt as to the accuracy of this estimate. We, therefore, recom- mend that this and other Washington County Districts remain unchanged. |
| 45 | Lowndes County Plaintiff estimates population here to be +12.0% variance from the norm. In his exceptions Plaintiff estimates popu- lation of Air Base to be only 2,229. Yet in the redistricting of the Beats of Lowndes County the Federal Court permitted the deduction of 4,074 "non- residents" at the Air Base in Beat 2 and 1,670 "non-residents" at the Uni- versity in Beat 5 from both Beat and County totals and a net-population of only 43,956 was used in redistricting the county—an average of only 8,791 persons per Beat. But in this Legis- lative reapportionment we must use the entire 1970 population of the county. This population figure is 49,700 and we must use the resident popu- lation of the Air Base precinct and its "non-resident" population as well. It is apparent, therefore, that the ob- jection to District 45 is without merit. |
| 53 | Warren County Plaintiff estimates —45.6% variance. |
| 54 | Warren County Plaintiff estimates +43.3% variance. |
| 55 | Warren-Yazoo Plaintiff estimates —20.96% variance. |

DistrictPopulation

56 Yazoo—Plaintiff estimates —16.3% variance.

The Plaintiff's estimates of population for the Precincts of Warren County are unrealistic and non-factual, based upon Precinct boundaries in effect in 1975.

A few examples:

In 1975 there were 12,862 votes cast for Governor. Thus, countywide, 28.6% of the population voted. Plaintiff's population estimates for the Precincts show that the following percentages of that population actually voted in the listed Precincts in 1975: Walters 9.4%; Auditorium 17.2%; Bovina 74.0% while its next-door neighbor, Tingle, voted only 10.8%; Beechwood 48.0%; Jett 44.6%; Redbone 10.1% while the adjacent Precinct of Yokena was 58.8%; Jonestown 52.3% and its neighbor, Goodrum, 15%.

The Special Master has rechecked the election returns from Warren County and has discovered a large error in the Jonestown Precinct. The vote here was actually 2,618 but in transcribing same the final digit of "8" was omitted, thus showing only 261 votes as having been cast there. This error of 2,357 votes translates into some 6,000 population.

All Precincts in Warren County have been recalculated and the following alternative districts are now suggested:

53 Warren County: The Precincts of Yokena, Redbone, Goodrum, Tingle, Beechwood, Culkin, Kings, St. Aloysius, and American Legion (Blackburn)

16,928

—6.8%

54 Warren County: The Precincts of Jett, Fire Station No. 7 and Jonestown

16,492

—9.2%

(Warren County reapportionment by Beats is on appeal to the Supreme Court).

DistrictPopulation

55 Warren County: The Precincts of Bovina, Oak Ridge, Redwood, Walters, Brunswick, Cedar Grove, Auditorium and Central Fire Station; 11,561

Yazoo County: The Precincts of Dover, East Benton, West Benton, Phoenix, Mechanicsburg, Sartartia, Fugate, Deasonville, and Valley 5,521 17,082 —6.0%

(Yazoo County is in the process of reapportionment by Beats; hence we use Precincts).

Note: No changes are required in District 56 (Yazoo), or in District 47 (Sharkey and Yazoo) if these alternative plans for Districts Nos. 53, 54, and 55 (above) are used.

60 Plaintiff's and the Department of Justice exceptions to District No. 60 were withdrawn last Friday, October 1 after acceptance by the Court of Special Master's alternative plan for Districts Nos. 60, 78 and 80 (Kemper and Lauderdale).

85 Smith-Scott.

Plaintiff's exception withdrawn last Friday, October 1.

99 Pike County.

Agreement of all parties was reached on this District last Thursday, September 30, by adoption by the Court of Special Master's alternative plan for Districts 98 and 99. (See letter under date of September 28, 1976).

118 These are the Jackson County Districts
119 which were laid out on Beat lines as
120 set by Federal Court Order.

121

122

B. WHERE A LACK OF PRECINCT LINES IS ALLEGED

| <u>District</u> | <u>Population</u> |
|---|--|
| 6 | Alcorn |
| 7 | Alcorn-Tishomingo |
| 8 | Exception withdrawn by Plaintiff upon discovery that Alcorn County has Beat lines. |
| 27 | Tallahatchie |
| 39 | Grenada-Tallahatchie |
| 48 | Holmes-Humphreys |
| 49 | Holmes |
| 92 | Jefferson Davis-Covington |
| 102 | Lamar-Covington |
| The areas involved in the Precincts in Holmes, Tallahatchie, and Covington Counties are well known to citizens and officials alike through custom and long usage. | |

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Oct. 8, 1976]

[Caption Omitted]

PLAINTIFFS' SUPPLEMENT TO MOTION TO ALTER OR AMEND JUDGMENT

Private plaintiffs, by their attorneys, hereby supplement their motion to alter or amend this Court's Judgment of September 8, 1976, filed September 20, 1976, by suggesting to the Court the following options and alternative plans, devised according to the criteria established by the Court, namely, based on 1970 Census data, with districts delineated exclusively by county lines, supervisors' district (beat) lines, and where necessary voting precincts, as alternatives to the districts devised by the Court and included in its orders of August 24, 1976, and September 8, 1976. These proposed alternatives are submitted in response to the letter from Honorable J. P. Coleman, Circuit Judge, to counsel for the plaintiffs, of September 22, 1976, in an effort to attempt to settle the differences among the parties in this long-standing case.

1. *Senate Plan.* Plaintiffs propose as an alternative to the court-ordered Senate plan, in accordance with the criteria established by the Court, the Modified Henderson Senate County Boundary Plan attached hereto as Exhibit A. This plan is based on Exhibit C to plaintiffs' motion to alter or amend judgment. All multi-member districts have been subdivided into single-member districts along beat and precinct lines. Where beats are used, we have used the current beat boundaries currently in use in each respective county. Where beat and precinct popula-

tion cannot be determined directly from Census data, we have estimated beat and precinct population based on 1970 Census enumeration districts.¹

The modified Henderson plan provides 52 single-member districts with a total deviation of only 13.66 percent. Only 9 of the 52 districts have variances which exceed 5 percent, plus or minus. These variances are necessitated by adhering to the court-established criteria of delineating districts along county, beat, and precinct lines. The county lines of 67 counties are preserved intact without any fracturing of county lines (including Hinds, Harrison, and Jackson Counties, in which districts are formed within county boundaries). Only 15 counties are split up to create single-member districts which cross county lines.

In addition, black majority areas which are split up and divided in the Court's plan creating districtwide white majorities, such as Claiborne and Jefferson Counties, are not split up in the modified Henderson plan.

The Court's plan, by comparison, has a total deviation of 16.7 percent by the Court's figures, and 18.32 percent, by our figures which are based on 1970 Census data. Fifteen districts exceed a variance of 5 percent, plus or minus, by the Court's figures. The Court's plan fractures and splits up 19 counties.

Although our statistics based on 1970 Census data show that 14 districts in the Court plan are black population majority districts, as opposed to 13 districts in the modified Henderson plan, only 6 of the Court plan districts have 1975 black voting age population majorities. We estimate the 7 of the modified Henderson plan districts have 1975 black voting age population majorities.

2. *House Plan.* Without attempting completely to redraw the Court's House plan, we have attempted to make adjustments within the districts established by the Court's plan to cure the excessive population variances (over 10

¹ Districts 48, 49, 50, 51, and 52 are the same districts defined by the Court's plan; we accept the Court's figures although we have been unable to verify them using 1970 Census data. District 41 and 42 are slightly altered from the Court's plan; but again we accept the Court's figures.

percent, according to 1970 Census data). Our alternative districts are attached hereto as Exhibit B. While we have not been successful in reducing all the districts to the absolute minimum, because of the necessity to work within the confines of the Court plan, we believe that these districts represent considerable improvement over the Court-drawn districts. In some instances, in order to cure excessive deviations in objected-to districts, we have had to alter adjoining districts as well, but within the perimeters of the Court-ordered plan. The following chart shows the results of this work:

| Objected-To District | Variance, Court Plan (Based on estimates from 1970 Census) | Variance, Plaintiffs' Alternative (1970 Census) |
|----------------------|---|--|
| 16 | -13.6% | - 8.40% |
| 23 | -10.8% | - 2.08% |
| 24 | -15.4% | -10.9% |
| | Alternative 1 | Alternative 2 |
| 34 | + 11.0% -4.34% | -3.50% |
| 45 | + 12.0% | - 4.18% |
| 53 | -45.63% | - 7.61% |
| 54 | + 43.25% | - 2.90% |
| 55 | -20.96% | - 6.64% |
| 56 | -16.3% | -10.97% |

As previously indicated, we also accept Special Master W. D. Neal's suggested alternative proposal for House Districts 60, 78, 79, and 80.

3. *Special Elections.* Should the Court alter its Senate plan or House plan to incorporate all or any of these suggested alternative plans, we amend our motions for special elections to include any new black majority districts accepted by the Court for the reasons set out in our motions.

Respectfully submitted,

/s/ Frank R. Parker
FRANK R. PARKER
Lawyers' Committee for
Civil Rights Under Law
233 North Farish Street
Jackson, Mississippi 39201
Attorney for Plaintiffs

[Certificate of Service Omitted]

EXHIBIT A

MODIFIED HENDERSON SENATE COUNTY BOUNDARY PLAN

Based on 1970 Census Data

| <u>Senate District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black Pop.</u> | <u>Percent Black</u> |
|------------------------|--|-------------------|-----------------|-------------------|----------------------|
| 1 | Alcorn County; Tishomingo County | 42,119 | -1.20% | 3,859 | 9.2% |
| 2 | Benton County; Tippah County; Union County | 42,453 | -0.41% | 8,674 | 20.4% |
| 3 | Marshall County; Tate County | 42,571 | -0.14% | 23,651 | 55.6% |
| 4 | DeSoto County; Tunica County: Beats 1, 2, 3, and 5 | 45,385 | 6.46% | 19,255 | 42.4% |
| 5 | Coahoma County; Tunica County: Beat 4 | 42,801 | 0.39% | 27,983 | 65.4% |
| 6 | Panola County; Quitman County | 42,717 | 0.20% | 22,873 | 53.5% |
| 7 | Lafayette County; Pontotoc County | 41,544 | -2.55% | 9,802 | 23.6% |
| 8 | Lee County: Beats 1, 2, 3, and 4 Prentiss County: Beat 3 | 40,643 | -4.67% | 8,186 | 20.1% |
| 9 | Itawamba County; Lee County: Beat 5; Prentiss County: Beats 1, 2, 4, and 5 | 42,440 | -0.45% | 4,667 | 11.0% |
| 10 | Bolivar County: Beats 1, 2, 3, 4, and Boyle precinct | 43,979 | 3.16% | 26,501 | 60.3% |
| 11 | Sunflower County; Bolivar County: Beat 5 less Boyle precinct | 42,477 | -0.36% | 27,098 | 63.8% |

186

| <u>Senate District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black Pop.</u> | <u>Percent Black</u> |
|------------------------|---|-------------------|-----------------|-------------------|----------------------|
| 12 | Tallahatchie County; Leflore County: Beats 1 and 2, West Greenwood, Schlater precincts | 40,807 | -4.28% | 20,802 | 51.0% |
| 13 | Holmes County; Leflore: Beats 4 and 5, Central Greenwood precinct | 43,762 | +2.65% | 30,947 | 70.7% |
| 14 | Carroll County; Grenada County; Yalobusha County | 41,166 | -3.43% | 18,275 | 44.4% |
| 15 | Calhoun County; Chickasaw County; Webster County | 41,475 | -2.71% | 12,042 | 29.0% |
| 16 | Oktibbeha County; Clay County: Beats 3, 4 and 5 | 40,282 | -5.51% | 15,462 | 38.4% |
| 17 | Monroe County; Clay County: Beats 1 and 2 | 41,353 | -3.00% | 14,247 | 34.5% |
| 18 | Attala County; Choctaw County; Montgomery County | 40,928 | -3.99% | 16,056 | 39.2% |
| 19 | Noxubee County; Winston County; Lowndes County: Beat 4 | 41,554 | -2.53% | 22,663 | 54.5% |
| 20 | Lowndes County, less Beat 4 | 40,840 | -4.20% | 10,168 | 24.9% |
| 21 | Washington County: Beats 2, 3 and 4, less Arcola precinct | 41,292 | -3.15% | 22,010 | 53.3% |

| <u>Senate District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black Pop.</u> | <u>Percent Black</u> |
|------------------------|--|-------------------|-----------------|-------------------|----------------------|
| 22 | Sharkey County; Issaquena County; Washington County: Beats 1 and 5, Arcola precinct | 40,963 | -3.92 | 23,932 | 58.4% |
| 23 | Humphreys County; Yazoo County | 41,904 | -1.70% | 24,039 | 57.4% |
| 24 | Warren County | 44,981 | 5.51% | 18,355 | 40.8% |
| 25-29 | Hinds County * | 214,964 | 0.84% | 84,064 | 39.1% |
| 30 | Madison County; Rankin County: Beats 2 and 4, less Shiloh, Crossroads and South Pelahatchie precincts | 45,206 | +6.04% | NA | NA |
| 31 | Smith County; Rankin County: Beats 1, 3 and 5, Shiloh, Crossroads and South Pelahatchie precincts | 41,904 | -1.71% | NA | NA |
| 32 | Kemper County; Neshoba County; Leake County: Beats 1, 2, 3, and 5 | 44,307 | 3.93% | 14,614 | 33.0% |
| 33 | Newton County; Scott County; Leake County: Beat 4 | 44,165 | 3.59 | 13,427 | 30.4% |
| 34 | Lauderdale County: Beats 1, 3 and 4, less Jones Store and Clarksdale precincts | 40,888 | -4.09% | 9,696 | 23.7% |
| 35 | Clarke County; Lauderdale County: Beats 2 and 5, Jones Store, Clarksdale precincts | 41,248 | -3.25% | 16,330 | 39.6% |

* Subject to outcome of appeal in Kirksey v. Board of Supervisors of Hinds County.

| <u>Senate District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black Pop.</u> | <u>Percent Black</u> |
|------------------------|--|-------------------|-----------------|-------------------|----------------------|
| 36 | Claiborne County; Copiah County; Jefferson County | 44,130 | 3.51% | 26,955 | 61.1% |
| 37 | Adams County; Franklin County | 45,304 | 6.26% | 20,974 | 46.3% |
| 38 | Amite County; Wilkinson County; Pike County: Beats 1, 2 and 5 | 42,990 | 0.84% | 22,594 | 52.6% |
| 39 | Lincoln County; Pike County: Beats 3 and 4 | 39,826 | -6.58% | 13,709 | 34.4% |
| 40 | Lawrence County; Simpson County; Walthall County | 43,584 | 2.23% | 14,926 | 34.2% |
| 41 | Jefferson Davis County; Covington County; Jones County: Beat 5, County Barn and Ellisville Courthouse precincts | 42,306 | 0.77% | NA | NA |
| 42 | Jones County: Beats 1, 2, 3, and 4, less Ellisville Courthouse and County Barn precincts | 40,989 | -3.9% | NA | NA |
| 43 | Greene County; Jasper County; Wayne County | 41,189 | -3.39% | 14,764 | 35.8% |
| 44 | Lamar County; Marion County; Pearl River County: Beat 2 | 43,705 | 2.51% | NA | NA |

| <u>Senate District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black Pop.</u> | <u>Percent Black</u> |
|------------------------|---|-------------------|-----------------|-------------------|----------------------|
| 45 | Hancock County; Pearl River County: Beats 1, 3, 4, and 5 | 39,564 | -7.20% | NA | NA |
| 46 | Forrest County, less Beat 5 | 44,109 | 3.46% | 12,937 | 29.3% |
| 47 | George County; Perry County; Stone County; Forrest County: Beat 5 | 43,365 | 1.72% | 6,912 | 15.9% |
| 48 | Harrison County: the City of Gulfport and Precinct 11 in the City of Biloxi | 45,208 | +6.0% | | |
| 49 | Harrison County: all of the City of Biloxi except Precinct 11 | 44,069 | +3.4% | | |
| 50 | Harrison County: all that part outside the Cities of Biloxi and Gulfport | 45,305 | +6.3% | | |
| 51 | Jackson County: all that part outside the Cities of Moss Point and Pascagoula plus the Precinct of Bayou Casotte No. 4 | 44,269 | +3.8% | | |
| 52 | Jackson County: the City of Moss Point; all of the City of Pascagoula except the precinct of Bayou Casotte No. 4 | 43,706 | +2.5% | | |

EXHIBIT B. PLAINTIFFS' SUGGESTED ALTERNATIVE HOUSE DISTRICTS

1. Tunica and Coahoma Counties.

| <u>House District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black</u> | <u>% Black</u> |
|-----------------------|--|-------------------|-----------------|--------------|----------------|
| 8 | Tunica County (less Two Mile Lake Precinct); Coahoma County: Precincts of Lula (1-1) Friars Point (2-1) Farrell (2-2) Sherard (2-3) | 16,808 | -7.53% | 12,369 | 73.59% |
| 15 | Coahoma County: Beat 3 Coahoma (1-2) Lyon (1-3) Clarksdale (1-4) Clarksdale (2-4) | 17,503 | -3.68% | 8,564 | 48.93% |
| 16 | Coahoma County: Beats 4 and 5 | 16,644 | -8.40% | 12,514 | 75.19% |

District 17 remains unchanged

2. Bolivar and Sunflower Counties.

| <u>House District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Variance</u> | <u>Black</u> | <u>% Black</u> |
|-----------------------|---|-------------------|-----------------|--------------|----------------|
| 22 | Bolivar County: Precincts of Duncan Alligator Shelby Mound Bayou Gunnison Rosedale | 16,259 | -10.52% | 12,621 | 77.67% |
| 23 | Bolivar County: Precincts of Merigold E. Cleveland E. Central Cleveland Central Cleveland W. Cleveland N. Cleveland | 17,793 | - 2.08% | 7,475 | 42.01% |
| 24 | Bolivar County: Precincts of Shaw Boyle Skene Longshot Strongtown Scott Benoit Pace Sunflower County: Precinct of Fairview-Hale | 16,189 | -10.9% | 10,386 | 64.20% |
| 25 | Sunflower County: Precincts of Inverness Indianola (1) Moorhead Indianola (2) Sunflower Indianola (3) Heathman | 18,011 | - 0.08% | 12,221 | 67.85% |
| 26 | Sunflower County: Precincts of Boyer Doddsville Linn Ruleville Dockery Drew Rome Indianola (2) | 18,204 | + .18% | 10,462 | 57.5% |

3. Issaquena and Washington Counties

ALTERNATIVE ONE

| House District | Description | Total Pop. | Variance | Black | % Black |
|----------------|--------------------------|------------|----------|--------|---------|
| 32 | Issaquena County | | | | |
| | Washington County: | | | | |
| | Precincts of | | | | |
| | Glen Allan (1-4) | | | | |
| | Avon (2-3) | | | | |
| | Wayside (1-3) | | | | |
| | Hollandale (5-1) | | | | |
| | Darlove (5-2) | | | | |
| | Arcola (2-4) | | | | |
| | Ward's Rec. Center (2-1) | 18,165 | - 0.03% | 10,015 | 55.13% |
| 33 | Washington County: | | | | |
| | Precincts of | | | | |
| | Italian Club (3-1) | | | | |
| | Episcopal Church (1-2) | | | | |
| | Community Center (2-2) | | | | |
| | County Rec. Center (5-4) | 19,376 | + 6.63% | 7,184 | 37.08% |
| 34 | Washington County: | | | | |
| | Precincts of | | | | |
| | Brent Center (3-2) | | | | |
| | Police Station (3-3) | | | | |
| | Extension Bldg. (1-1) | | | | |
| | American Legion (3-4) | 17,383 | - 4.34% | 10,831 | 62.31% |
| 35 | Washington County: | | | | |
| | Precincts of | | | | |
| | Leland City Hall (4-2) | | | | |
| | Leland Light Plant (4-3) | | | | |
| | Industrial Center (5-5) | | | | |
| | County Barn (4-1) | | | | |
| | Bourbon (5-3) | 18,394 | + 1.22% | 12,128 | 65.93% |

ALTERNATIVE TWO

| House District | Description | Total Pop. | Variance | Black | % Black |
|----------------|--------------------------|------------|----------|--------|---------|
| 32 | Issaquena County | | | | |
| | Washington County: | | | | |
| | Precincts of | | | | |
| | Glen Allan (1-4) | | | | |
| | Arcola (2-4) | | | | |
| | Leland City Hall (4-2) | | | | |
| | Hollandale (5-1) | | | | |
| | Darlove (5-2) | | | | |
| | Bourbon (5-3) | 18,565 | +2.17% | 12,097 | 65.16% |
| 33 | Washington County: | | | | |
| | Precincts of | | | | |
| | Episcopal Church (1-2) | | | | |
| | Wayside Laundry (1-3) | | | | |
| | Ward's Rec. Center (2-1) | | | | |
| | Avon (2-3) | | | | |
| | Italian Club (3-1) | | | | |
| | County Rec. Center (5-4) | 18,610 | +2.42% | 4,672 | 25.10% |
| 34 | Washington County: | | | | |
| | Precincts of | | | | |
| | Extension Building (1-1) | | | | |
| | Community Center (2-2) | | | | |
| | Brent Center (3-2) | | | | |
| | Police Station (3-3) | 17,534 | -3.50% | 11,657 | 66.48% |
| 35 | Washington County: | | | | |
| | Precincts of | | | | |
| | County Barn (4-1) | | | | |
| | Leland Light Plant (4-3) | | | | |
| | American Legion (3-4) | | | | |
| | Industrial Center (5-5) | 18,609 | +2.41% | 11,732 | 63.04% |

4. Lowndes County

| House District | Description | Total Pop. | Variance | Black | % Black |
|----------------|---|------------|----------|-------|---------|
| 45 | Lowndes County: Precincts of Airbase Caledonia Rural Hill School New Hope School Fairview School Coleman Elem. School Caldwell School | 17,412 | -4.18% | 4,753 | 27.30% |
| 46 | Lowndes County: Precincts of Brandon School Lee High School Stokes Beard Sale School Franklin School Hunt School | 17,716 | -2.50% | 5,951 | 33.60% |

5. Sharkey, Humphreys, Beat 5, Yazoo, and Warren Counties

| House District | Description | Total Pop. | Variance | Black | % Black |
|----------------|--|------------|----------|--------|---------|
| 47 | Sharkey County Humphreys County: Beat 5 Yazoo County: Precincts of Eden Free Run West Midway East Midway Harttown Holly Bluff Carter Lake City | 16,357 | -9.98% | 10,748 | 65.71% |
| 53 | Warren County: Precincts of Yokena Jett Jonestown Fire Station No. 7 Redbone Goodrum Beechwood | 16,788 | -7.61% | 4,706 | 28.0% |
| 54 | Warren County: Precincts of American Legion Central Fire Station St. Aloysius Auditorium Walters Brunswick | 17,643 | -2.90% | 10,459 | 59.28% |
| 55 | Warren County: Precincts of Tingle Culkin Bovine Kings Cedar Grove Oak Ridge Redwood Yazoo County: Precincts of Satartia Phoenix Mechanicsburg West Bentonina Dover Benton Deasonville Fugates | 16,965 | -6.64% | 6,691 | 39.44% |
| 56 | Yazoo County: Precincts of South City Hall Valley Robinette Center Ridge Zion West Lintonia East Lintonia East Court House West Court House North City Hall Enola Fairview | 16,177 | -10.97% | 7,855 | 48.56% |

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[SEAL]

LAWYERS' COMMITTEE
FOR CIVIL RIGHTS UNDER LAW

[Filed Oct. 21, 1976]

October 19, 1976

Honorable J. P. Coleman
United States Circuit Judge
Post Office Box K
Ackerman, Mississippi 39735

Honorable Harold Cox
United States District Judge
Post Office Drawer 2447
Jackson, Mississippi 39205

Honorable Dan M. Russell
United States District Judge
Post Office Box 1930
Gulfport, Mississippi 39501

Re: *Connor v. Finch*, Civil No. 3830 (A)

Dear Judges Coleman, Cox and Russell:

At our last conference on October 7, the Court requested plaintiffs to provide the Court with a list of those Senate districts which were majority white under the 1975 temporary plan and which are majority black under the Court's permanent plan. A list of the majority black districts under the Court's plan is attached as Exhibit A. The first column lists the old, 1975 temporary districts, and the second column lists the counties included in those districts, with the number of senators elected from each district in parenthesis. The third and fourth columns list the racial percentages by 1975 estimated voting age population (VAP), according to Prof. Ellan Bryant's *Population of Mississippi Legislative and Congressional Districts, 1970, and Projections to 1975* (Miss. State University, 1973) (Ex. P-13).

Column five lists the new majority black districts included in the Court's permanent plan, column six lists the percent black according to 1970 Census statistics, and column seven lists the estimated percent black in the 1975 voting age population, based on Prof. Bryant's projections.

According to these figures, two districts, old Districts 9 and 25, were majority white in 1975, and a third district, District 12, was almost 50-50. Of the new districts carved out of old Districts 9 and 25, new Districts 12, 38, and 39 are majority black according to 1970 Census statistics. These estimates show that new District 38 also is majority black in 1975 voting age population. Of the new districts carved out of old District 12, new Districts 16 and 17 are both majority black in population (1970 Census), and District 16 also is majority black in 1975 voting age population.

We have also included a chart, Exhibit B, comparing these factors for the proposed Modified Henderson Senate Plan.

Plaintiffs believe, however, that these racial percentages are not the only factor the Court should consider in ordering special elections for the Mississippi Senate. The Court should also consider that the 1975 plan districts discouraged black candidates from running and disadvantaged black voters in these majority black counties because the districts were extremely large in geographic area making campaigning difficult and expensive, and because in the multi-member districts, as the number of legislative seats increased and the number of candidates increased, voters had difficulty making intelligent choices among the plethora of candidates, ballots became too unwieldy, confusing, and lengthy for intelligent consideration, and residents of the multi-member districts feel that they have no legislators directly responsible to them. See *Chapman v. Meier*, 420 U.S. 1, 15-16, 95 S.Ct. 751, 42 L.Ed.2d 766 (1975). Accordingly, we urge the Court to order special senatorial elections in all majority black districts which have been carved out of the old multi-member districts.

Next, at our last conference the Court requested an expression of views whether special elections in majority

black districts for both House and Senate in which there are no incumbent legislators should be restricted only to the majority black districts involved, necessitating an increase in the number of seats in the House or Senate, or whether special elections should be held throughout the area formerly included within the old district. On reflection and after discussion with our clients, we believe that the Court should order the latter, that is, special elections throughout the area formerly included within the old district.

On May 18, 1971, this Court rejected the proposed legislative reapportionment plans proffered by plaintiffs and also *struck down* the plan enacted by the Mississippi Legislature in part because both sets of plans purported to increase the number of seats in both the House and Senate. At that time this Court held that "neither the Legislature nor this Court" were authorized to increase the number of seats in either house:

"The size of the legislative body is a matter left solely to the discretion of the State. Neither the Legislature nor this Court is authorized to interfere with the size of the State Senate or of the State House of Representatives as ordained by the people in the State Constitution, *Reynolds v. Sims*, *supra*, 377 U.S. at 580, 84 S.Ct. 1362.

In our former decision, 265 F. Supp. at 494, we held that the legislative reapportionment of December 1, 1966, was unconstitutional on its face, null, and void. This alluded *not to the size of the two houses*, as ordained by a vote of the people on the Constitutional Amendment of 1962, but applied only to the distribution of the prescribed number of legislative seats among the 2,178,141 inhabitants of Mississippi as enumerated in the Census of 1960. Section 254 of the Mississippi Constitution, as amended by a vote of the people in 1963, provides that the House shall be composed of 122 members. Section 255 of the Constitution, as so amended, provides that the number of Senators shall be 52.

A reading of House Bill No. 515, of the Laws of Mississippi of 1971, the statute presently under con-

sideration reveals that the Legislature, believing it had the authority to do so because of our prior decision, sought to raise the membership of the Mississippi Senate from 52 to 55 and the membership of the Mississippi House of Representatives from 122 to 125." *Connor v. Johnson*, 330 F. Supp. 506, 507-08.

This holding was left undisturbed on appeal, and thus is *res judicata*. We believe the Court at this time lacks the authority to depart from its prior ruling.

Further, there are a number of practical reasons why the membership of the House and Senate should not be increased. Any increase in the number of seats, for example, in the House of Representatives, would diminish black voting strength in that body. Presently blacks have four representatives out of 122, $4/122$, or 3.278 percent. An increase of one black representative, without any change in the number of seats, would give blacks $5/122$, or 4.098 percent. Each black increase without any change in the membership equals 0.819 percent.

However, if the number of seats were increased to 123, an increase of one black representative would equal $5/123$, only 4.065 percent, or less than if the number of seats were left unchanged. Each additional black representative with a corresponding increase in the number of seats would represent an increase of only 0.813 percent. As the number of additional black representatives and additional seats increase, the gap grows larger. For example, if six additional black representatives were elected without any additional seats, black voting strength would be $10/122$, or 8.196 percent. However, if six additional black representatives were elected with an increase of six House seats, black voting strength would be only $10/128$, or 7.812 percent. As these statistics show, each increase in the total membership of the House actually decreases proportional black voting strength in that body.

There are other practical difficulties, for example, the seating structure and the electronic voting mechanisms

of both bodies are designed for only 122 members in the House and 52 in the Senate.

Accordingly, for these reasons, we believe special elections throughout the old districts are constitutionally required and necessary. We do not wish to impose additional burdens on the incumbent members, but we do not see any other solution to this problem.

We also wish to bring two other matters to the Court's attention. First, plaintiff Henry J. Kirksey has designed a Hinds County Senate plan which is based exclusively on existing precincts and which eliminates the dilution which exists in the present plan. This plan could be implemented this year without awaiting the outcome of the Hinds County redistricting case, and we attach it as Exhibit C for the Court's consideration.

Second, there is a minor typographical error in Plaintiffs' Supplement to Motion to Alter or Amend Judgment, filed October 8, 1976. In our proposed alternative House plan for Sunflower County, District 25, the precinct of "Indianola (2)" should be deleted from District 25. That precinct is correctly listed for District 26.

If the Court should reject our proposed alternative proposals for the Senate and/or House, in whole or in part, then plaintiffs desire to renew their motion for an evidentiary hearing on their motion to alter or amend this Court's judgment of September 8, 1976 (which includes both the House and Senate plans).

Thank you for your consideration of these matters.

Yours very truly,

/s/ Frank R. Parker

FRP:ljh

cc: A. F. Summer, Esquire
Gerald W. Jones, Esquire
Clerk, U.S. District Court

EXHIBIT A. Racial Composition of Old and New Senatorial Districts,
Court's Plan.

| Old District | Counties | 1975 VAP <u>1/</u> White % | Black % | New District | % Black (1970 Census) | % Black Est. 1975 VAP <u>2/</u> |
|-----------------|--|-------------------------------|---------|-----------------|--------------------------|---------------------------------------|
| 9 | Quitman Tate Tunica (1) | 54.73% | 45.27% | 12 | 57.1% | 45% |
| 10 | Coahoma (1) | 43.36% | 56.64% | 13 | 63.9% | 56% |
| 11 | Bolivar Sunflower (2) | 47.95% | 52.05% | 14 15 | 59.6% 64.4% | 49.5% 55% |
| 12 | Humphreys Washington (2) | 49.66% | 50.34% | 16 17 | 57.4% 55.1% | 52% 48% |
| 15 | Holmes Issaquena Madison Sharkey Yazoo (2) | 48.23% | 51.77% | 28 29 | 62.0% 60.8% | 52% 52% |
| 25 | Adams Amite Franklin Jefferson Wilkinson (2) | 52.63% | 47.37% | 38 39 | 55.6% 51.3% | 51% 44% |

1/ E. Bryant and S. El-Attar, Population of Mississippi Legislative and Congressional Districts, 1970, and Projections to 1975 (Ex. P-13).

2/ Based on 1975 projections, Ex. P-13.

EXHIBIT B. Racial Composition of Old and Proposed Senatorial Districts, Modified Henderson Plan.

| <u>Old District</u> | <u>Counties</u> | <u>1975 VAP White %</u> | <u>Black %</u> | <u>New District</u> | <u>Description</u> | <u>% Black (1970 Census)</u> | <u>% Black Est. 1975 VAP</u> |
|---------------------|--|-------------------------|----------------|---------------------|--|------------------------------|------------------------------|
| 1 | Desoto Lafayette Marshall (2) | 72.47% | 27.53% | 3 | Marshall Tate | 55.6% | 44% |
| 8 | Panola Yalobusha (1) | 61.06% | 38.94% | | | | |
| 9 | Quitman Tate Tunica (1) | 54.73% | 45.27% | 6 | Panola Quitman | 53.5% | 44% |
| 10 | Coahoma (1) | 43.36% | 56.64% | 5 | Coahoma Tunica, Beat 4 | 65.4% | NA |
| 11 | Bolivar Sunflower (2) | 47.95% | 52.05% | 10 | Bolivar, Beats 1, 2, 3, 4, and Boyle | 60.3% | NA |
| | | | | 11 | Sunflower Bolivar, Beat 5 (less Boyle) | 63.8% | NA |
| 13 | Leflore (1) | 50.98% | 49.02% | 12 | Tallahatchie Leflore, Beats 1 and 2, W. Greenwood, Schlater | 51.0% | NA |
| 14 | Grenada Tallahatchie (1) | 58.45% | 41.55% | | | | |
| 15 | Holmes Issaquena Madison Sharkey Yazoo (2) | 48.23% | 51.77% | 13 | Holmes Leflore, Beats 4 and 5, Central Greenwood | 70.7% | NA |
| 17 | Neshoba Winston (2) | 72.88% | 27.12% | 19 | Noxubee Winston Lowndes, Beat 4 | 54.5% | NA |
| 18 | Noxubee Oktibbeha (1) | 66.63% | 33.37% | | | | |
| 6 | Chickasaw Clay Lowndes (2) | 70.24% | 29.76% | | | | |

NA - Not Available

| | | | | | | | |
|----|--|--------|--------|----|--|-------|-----|
| 12 | Humphreys Washington (2) | 49.66% | 50.34% | 21 | Washington, Beats 2, 3 and 4 (less Arcola) | 53.3% | NA |
| 15 | Holmes Issaquena Madison Sharkey Yazoo (2) | 48.23% | 51.77% | 22 | Sharkey Issaquena Washington, Beats 1 and 5, Arcola | 59.4% | NA |
| 24 | Claiborne Copiah Lincoln Simpson (2) | 63.46% | 36.54% | 23 | Humphreys Yazoo | 57.4% | 48% |
| 25 | Adams Amite Franklin Jefferson Wilkinson (2) | 52.36% | 47.37% | 36 | Claiborne Copiah Jefferson | 61.1% | 55% |
| 26 | Pike Walthall (1) | 63.62% | 36.38% | 38 | Amite Wilkinson Pike, Beats 1, 2 and 5 | 52.6% | NA |

EXHIBIT C. Hinds County Senate Plan

| <u>Senate District</u> | <u>Beat</u> | <u>Description Precinct</u> | <u>Total Pop.</u> | <u>Norm Variance</u> | <u>Black Pop.</u> | <u>Percent Black</u> |
|------------------------|-------------|--------------------------------------|-------------------|----------------------|-------------------|----------------------|
| 31 | 1 | 35-38,42-45,79,TP | 43,222 | +1.5% | 5,708 | 13.2% |
| | 2 | 12-17,32-34 | | | | |
| | 5 | 5-6,8-9 | | | | |
| 32 | 1 | 23,27,29,39,40-41, 80-83, CY, LG | 43,101 | +1.2% | 24,059 | 55.8% |
| | 2 | 11,21-25,28,30-31, FC,PH | | | | |
| | 4 | 26 | | | | |
| 33 | 3 | 51,58 | 43,128 | +1.3% | 31,470 | 73.0% |
| | 4 | 18-20,52,56-57 | | | | |
| | 5 | 1-2,4,10,47,50,53,63-64 | | | | |
| 34 | 3 | 59,66-71,73-76,BC,FF, FH,HI,RH,WH | 43,027 | +1.1% | 2,505 | 5.8% |
| | 4 | 54-55,60-62 | | | | |
| | 5 | 49,72,77 | | | | |
| 35 | 1 | BR,PO,TI | 42,495 | -1.2% | 20,322 | 47.8% |
| | 2 | BO,ED,NC | | | | |
| | 3 | BY,CA,LE,U1,U2 | | | | |
| | 4 | C1,C2,C3,MI,R1,R2,V1,V2 | | | | |
| | 5 | CH,DG,OB,TE | | | | |

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830(A)

[Filed Oct. 22, 1976]

[Caption Omitted]

OBJECTIONS OF THE UNITED STATES TO PLANS
FOR THE REDISTRICTING OF THE MISSISSIPPI
SENATE AND HOUSE OF REPRESENTATIVES
CONTAINED IN THE COURT ORDERS OF AU-
GUST 24 AND SEPTEMBER 8, 1976

The United States hereby submits and files with the Court the following objections and comments with respect to the plans for redistricting the Mississippi Senate and House of Representatives contained in the Orders of August 24 and September 8, 1976, respectively. As we indicated in our papers filed with the Court previously in response to its request for suggestions on where special elections should be held, our interest arises primarily from the Voting Rights Act and the protections it entails.

The Senate

The districts contained in the Court's plan for the redistricting of the Mississippi Senate are substantially divisions of old multi-member districts some of which had combined majority black voting age population (hereinafter VAP) counties with majority white VAP counties to form majority white or near majority white VAP districts. The Court's plan consists entirely of single-member districts and contains nine majority BVAP districts, four of which are over 54% BVAP.* The plan perpetuates dilution of black voting strength in several

* The percentage which Rims Barber testified is significant in evaluating the effectiveness of black voting strength in Mississippi. His testimony has not been contradicted.

districts where dilution could have been easily avoided. On the other hand, the Senate Restricted Fractionalization Plan (hereinafter SRFP) submitted by the United States has twelve majority BVAP districts, eight of which are over 54% BVAP. While the plan does not meet the standards of a court-ordered plan because of a number of multi-member districts contained therein, it does meet the Court's criteria of avoiding excessive fractionalization of county lines and observing existing precinct lines and it illustrates the existence of an adaptable alternative. Accordingly, the United States must object to those districts which result from the subdivision of a multi-member district created by combining a BVAP county with a white VAP county in such a way as to unnecessarily dilute black voting strength in the resultant single-member districts (Districts 2, 37, 38 and 39, which are less than 50% BVAP and Districts 14, 16, 17 and 29, which are less than 54% BVAP). In addition, the United States objects to District 12 (less than 54% BVAP) and Districts 19 and 22 (less than 50% BVAP) as dilutive single-member districts resulting from the manner in which BVAP counties are combined with other counties or portions of other counties.

Aside from objections to these 11 specific districts, another problem with the Court's plan for the Senate as well as the House of Representatives is that the use of supervisor district lines tends to dilute black voting strength in areas of black concentration in that supervisor district lines in many instances fragment black population concentrations in attempting to equalize road mileage among supervisor districts. See, e.g., *Kirksey v. Board of Supervisors of Hinds County*, C.A. No. 4939, S.D. Mississippi. While we believe there is serious questions as to whether a county can minimize the black voting strength in Mississippi by dividing up black concentrations to equalize road mileage in a county supervisorial reapportionment, we submit that there is absolutely no basis for justifying a minimization of black voting strength on the basis of road mileage in a state legislative reapportionment. In spite of this factor, however, we believe that the modified Henderson Plan pro-

posed by the Plaintiffs or the SREP, if modified so as to subdivide the five multi-member districts in that plan, would sufficiently correct the dilution problem even though they, too, rely on existing supervisor districts to some extent.

The House of Representatives

One immediately discernible deviation problem, and the only one to which we will directly address ourselves, is that involving Districts 53 and 54 in Warren County which indicates a deviation range of $\pm 88.88\%$. Even given the problem of utilizing 1970 Census data for districts drawn in 1976 this deviation exceeds the standards set down by the Supreme Court. However, we believe the alternative submitted by Plaintiffs adequately corrects this problem and we urge the Court to adopt that proposal.

From the dilution standpoint, the most troublesome feature of the Court's House plan is the formulation of districts within populous counties which contain a substantial black population. Some districts, as drawn, have the effect of fragmenting black population concentrations into two or more districts, thus diluting the black voting strength. Primarily these districts result from the division of existing multi-member districts and our analysis shows that available alternatives, as suggested below, would not have such a dilutive effect. (All Black VAP percentages and deviation percentages are Department of Justice estimates based on 1970 Census data.)

Districts 8, 15 and 16 (Tunica and Coahoma Counties).

| Court Dist. # | Blk. VAP % | Deviation % |
|---------------|------------|-------------|
| 8 | 68.2 | + 0.8 |
| 15 | 50.8 | — 7.9 |
| 16 | 55.5 | —12.3 |

Alternative districts proposed by Plaintiffs to reduce deviation also reduce the fractionalization and dilution of black voting strength within the counties involved and result in 67.6% and 68.6% Black VAP in alternate districts 8 and 16.

Districts 32, 33, 34 and 35 (Issaquena and Washington Counties).

| Court Dist. # | Blk. VAP % | Deviation % |
|---------------|------------|-------------|
| 32 | 52.3 | — 4.7 |
| 33 | 52.6 | — 5.7 |
| 34 | 49.9 | +10.6 |
| 35 | 48.3 | + 2.4 |

Alternative districts (Alternative 2) proposed by Plaintiffs to reduce deviation also reduce the fractionalization and dilution of black voting strength involved within these counties and result in 59.4%, 61.8% and 57.5% black VAP in alternate districts 32, 34 and 35.

Districts 36, 37 and 38 (Leflore, Carroll and Attala (pt.) Counties).

| Court Dist. # | Blk. % | Blk. VAP % | Deviation % |
|---------------|--------|------------|-------------|
| 36 | 49.2 | | + 5.1 |
| 37 | | 62.8 | —8.2 |
| 38 | 51.35 | | —6.1 |

United States' alternative districts (see Exhibit "A" attached) reduce the fractionalization and dilution of black voting strength within the counties and result in 61.3% and 51.8% black VAP in districts 36 and 37 while reducing the deviation range for the districts from $\pm 13.3\%$ to $\pm 7.8\%$.

Districts 47, 53, 54, 55, 56 (Sharkey, Warren, Yazoo and Humphreys (pt.) Counties).

| Court Dist. # | Blk. % | Blk. VAP % | Deviation % |
|---------------|--------|------------|-------------|
| 47 | | 57.4 | — 1.3 |
| 53 | — | — | —45.63 |
| 54 | 49.3 | | +43.25 |
| 55 | 39.8 | | —14.7 |
| 56 | 50.7 | | —16.3 |

Alternative districts proposed by Plaintiffs to reduce deviation also reduce the fractionalization and dilution of black concentrations involved within these counties and

achieve 58.3% and 56.6% black VAP in alternate districts 47 and 54.

Districts 60, 78, 79, 80 and 87 (Kemper, Lauderdale, Clarke and Jasper (pt.) Counties).

| Court Dist. # | Blk. VAP % | Deviation % |
|---------------|------------|-------------|
| 60 | — | +12.0 |
| 78 | — | + 1.0 |
| 79 | 50.03 | +15.5 |
| 80 | — | + 2.7 |
| 87 | — | — 8.1 |

United States' alternative districts (see Exhibit "B" attached), utilizing Court districts 60 and 78 as modified by the Special Master to reduce deviation, reduce the dilution of black voting strength within Lauderdale County and result in a 55.6% black VAP in district 79 while reducing the deviation range from 23.6% to 8.7%.

Districts 86, 93, 94 and 95 (Jones and Jasper (pt.) Counties).

| Court Dist. # | Blk. % | Blk. VAP % | Deviation % |
|---------------|--------|------------|-------------|
| 86 | — | — | +1.1 |
| 93 | 18.7 | — | —7.6 |
| 94 | 33.6 | — | +2.5 |
| 95 | — | — | —4.3 |

United States' alternative districts (see Exhibit "C" attached) reduce the fractionalization and dilution of black voting strength within Jones County and result in a 52.6% black majority in district 94 while reducing the deviation range from 10.1% to 6.5%.

Districts 88 and 89 (Adams County).

| Court Dist. # | Blk. % | Blk. VAP % | Deviation % |
|---------------|--------|------------|-------------|
| 88 | 42.8 | — | +5.5 |
| 89 | — | 50.7 | —1.7 |

United States' alternative districts (see Exhibit "D" attached) reduce the fractionalization and dilution of

black voting strength within Adams County and result in a 59.5% black VAP in district 89 while maintaining deviation of less than $\pm 8.0\%$.

Districts 92, 100, 101 and 102 (Covington, Jefferson Davis, Walthall and Lamar Counties).

| Court Dist. # | Blk. % | Blk. VAP % | Deviation % |
|---------------|--------|------------|-------------|
| 92 | 43.8 | — | +12.8 |
| 100 | — | — | + 1.1 |
| 101 | — | — | + 7.8 |
| 102 | — | — | + 8.6 |

United States' alternative districts (see Exhibit "E" attached) reduce the fractionalization and dilution of voting strength within the counties and result in a 50.9% black majority in district 92 while reducing the deviation range from between +1.1% and +12.8% to between +1.95 and +9.9%.

Districts 103, 104, 105 and 106 (Forrest and Pearl River Counties).

| Court Dist. # | Blk. % | Blk. VAP % | Deviation % |
|---------------|--------|------------|-------------|
| 103 | 29.7 | — | —3.7 |
| 104 | — | — | —3.4 |
| 105 | 43.7 | — | —2.0 |
| 106 | — | — | —4.4 |

United States' alternative districts (see Exhibit "F" attached) reduce the fractionalization and dilution of black voting strength within Forrest County and result in a 61.96% black VAP in district 103 with deviation increased to only 11.7%.

* * *

Aside from the above problem areas the United States would comment on the following:

Districts 22, 23, 24, 25 and 26 (Bolivar and Sunflower Counties).

From a dilution standpoint, the United States would not object to the Court's districts as drawn, or to Plain-

tiffs' suggested alternative districts as prepared to reduce deviation. Since the Plaintiffs' alternative does reduce the deviation, however, the Court may wish to adopt it in furtherance of the stricter standards by which a court-fashioned plan must be drawn.

Districts 98 and 99 (Pike and Amite (pt.) Counties).

The United States joins in the proposal by Plaintiffs and the Special Master to resolve the contiguity problem existent in district 99.

Finally, as indicated to the Court during the October 1, 1976, informal conference, the United States withdraws its proposal for special elections in House district 49, which we now understand will be represented by a black representative, Mr. Robert Clark. Since Mr. Clark was elected from a previously existing two member district with a 59% BVAP and the two resulting single-member districts have BVAP's of 55.7% and 60% (the latter being Representative Clark's district), we believe that dilution arguments fail here. Accordingly, we likewise withdraw our proposal for special elections in district 48. In addition, we ask that special elections be held in any district resulting from alterations in the plans based upon suggestions of the parties if those districts meet the criteria set forth in our memorandum proposing special elections for Mississippi House of Representatives.

Respectfully submitted,

/s/ Gerald W. Jones
 GERALD W. JONES
 MICHAEL D. JOHNSON
 Attorneys
 Department of Justice
 Washington, D.C. 20530

ROBERT E. HAUBERG
 United States Attorney

Exhibit "A"

Leflore, Carroll and Attala(pt.) Counties

| House District | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Deviation % |
|----------------|--|------------|------------|---------|-------------|-------------|
| 36 | Leflore County Precincts of Minter City Money West Greenwood Schlater North Itta Bena South " " Morgan City Sidon | 17,541 | 11,767 | 67.08 | 61.28 | -3.47 |
| 37 | Leflore County: Precincts of North Greenwood East " South " Central " | 18,296 | 10,530 | 57.55 | 51.75 | +0.69 |
| 38 | Carroll County: Attala County: Beat 3, minus Poss- umneck Leflore County: Precincts of Southeast Greenwood Southwest " Northeast " Rising Sun | 16,510 | 7,122 | 43.1 | | -9.14 |

Exhibit "B"

Lauderdale, Kemper, Clarke and Jasper (pt) Counties

| <u>House District</u> | <u>Description</u> | <u>Total Pop.</u> | <u>Black Pop.</u> | <u>% Black</u> | <u>% Black VAP</u> | <u>Devia- tion</u> |
|-----------------------|--|-------------------|-------------------|----------------|--------------------|------------------------|
| 60 and 78 | As modified by Special Master | | | | | |
| 79 | Lauderdale County: Meridian City Precincts 5,6,9 13,14,15 | 18,540 | 11,339 | 60.18 | 55.6 | +3.68 |
| 80 | Lauderdale County: All Precincts in Beat 3 outside the City of Meridan except Obadiah, Shucktown, Center Hill, and School Gap: All Precincts in Beat 4 except Meridan Pct. 13 All precincts in Beat 5 except Alamucha, Whynot, Center Grove, and Vimville | 19,497 | | | | +7.29 |
| 87 | Clarke County: Jasper County: Beat 2 Lauderdale County: Beat 5; Precincts of Alamucha, Whynot, Center Grove and Vimville | 18,912 | | | | +4.08 |

Exhibit "C"

Jasper and Jones Counties

| House District | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Devic tion |
|-------------------|--|---------------|---------------|------------|----------------|---------------|
| 86 | Jasper County: Beats 1,3,4 and 5 Jones County: Beat 1; Sandersville Pct. and Sharon Pct. Beat 3; Sandersville Pct. 16,996 | | | | | -6.47 |
| 93 | Jones County: Beat 1; except Rural and Sandersville and Sharon Pcts. Beat 2; less Harper's Transfer Pct. Beat 3; Anthony's Florist Pct. 17,078 | | | | | -6.01 |
| 94 | Jones County: Beat 2; Harper Transfer Pct. Beat 3; less Anthony's Florist, Sandersville, and Tuckers Pct. Beat 4; Fairgrounds Pct. Beat 5; City Barn Pct. 18,154 | | 9,548 | 52.59 | | -.01 |
| 95 | Jones County: Beat 3; Tucker Pct. Beat 4; less Fairgrounds Pct. Beat 5; less City Barn Pct. 17,078 | | | | | -6.02 |

EXHIBIT "D"

Adams County

| House District | Description | Total Pop. | Black Pop | % Black | % Black VAP | Devia- tion |
|-------------------|--|---------------|--------------|------------|----------------|----------------|
| 88 | Adams County: Beat 2 less Carpenter Pct. 1 Beats 3, 5 | 19,386 | 6,524 | 33 | -- | +6.68 |
| 89 | Adams County: Beats 1, 4 Beat 2: Carpenter Pct. 1 | 17,936 | 11,341 | 62.23 | 59.47 | -1.30 |

Exhibit "E"

Covington, Jefferson Davis, Walthall, and Lamar

Counties

| House District | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Devia- tion% |
|-------------------|--|---------------|---------------|------------|-------------|-----------------|
| 92 | Covington County Beats 4 and 5: Jefferson Davis County | 18,527 | 9,436 | 50.93 | 45.36 | +1.95 |
| 100 | Walthall County: Marion County: Beats 2 and 3 | 19,793 | | | | +8.93 |
| 101 | Marion County: Beats 1, 4 and 5 Lamar County: Beats 2 and 3 | 19,970 | | | | +9.90 |
| 102 | Lamar County: Beats 1, 4 and 5 Covington County: Beats 1, 2 and 3 | 19,218 | | | | +5.76 |

Exhibit "F"

Forrest, Stone (Pt.), and Pearl River (Pt.) Counties

| House District | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Deviation |
|----------------|--|------------|------------|---------|-------------|-----------|
| 103 | Forrest County: Beat 1, Pcts; Lillie Burney Central School Beat 2, Pcts; Jones Beat 3, Pcts; East Bowie Eaton Walthall Beat 4, Pcts; William Carey Rowan | 17,427 | 11,697 | 67.09 | 61.96 | -4.10 |
| 104 | Forrest County: Beat 1, Pcts; Blair Woodly West Side Beat 2, Pcts; Rawls Springs Eatonville Beat 5, Pcts; Grace Christian Pine Crest | 17,161 | | | | |

Forrest County:

Beat 2, Pcts;

Petal High School

Petal - Leeville

Glendale

Beat 3, Pcts;

Macedonia

Sunrise

Petal-Harvey School

Beat 4, Pcts;

Camp

Hawkins

Beat 5, Pcts;

Davis

McLaurin

McCollum

Dixie Pine

18,906

+4.04

218

218B

Exhibit "F" (Cont.)

| House District | Description | Total Pop. | Black Pop. | % Black | % Black VAP | Devia- tion |
|-------------------|---|---------------|---------------|------------|----------------|----------------|
| 106 | Forrest County: Beat 1, Pcts; Dixie Beat 4, Pcts; Forrest County A.H.S. Beat 5, Pcts; Brooklyn Carnes Maxie Thames Pearl River County: Precincts of Popularville East " West Byrd Line Hickory Grove Gum Pond Wolf River Oak Hill Hillsdale Fords Creek Buck Branch White Sand Mill Creek Derby Progress Silver Run Steep Hollow Savannah McNeill Caesar Stone County: Beat 2 | 19,287 | | | | +6.14 |

[CERTIFICATE OF SERVICE
OMITTED]

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Nov. 12, 1976]

PEGGY H. CONNOR, ET AL., PLAINTIFFS

v.

CLIFF FINCH, ET AL., DEFENDANTS

AND

UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR

Before COLEMAN, Circuit Judge, RUSSELL and
COX, District Judges.

PER CURIAM:

This is the third, and the last, of a series of decrees
reapportioning the Mississippi Legislature.¹

¹ We have heretofore described the difficulties involved in the transportation of Mississippi's system of multiple member districts into a statewide single-member system for the election of legislators. The acute difficulty arises from the absence of precinct population figures and because most of the county beats have been reapportioned since 1970. No census has been taken within the new beat boundaries. We have used estimates as nearly accurate as obtainable, compiled from known factors. The private plaintiffs and the Justice Department disagree with many of these estimates, but their disagreements are *also based on estimates*. It comes down to whether single member reapportionment shall be allowed to founder on these population disagreements. We decline to embrace that result.

The Department of Justice argues that the use of beat lines results in dilution of black voting strength. There is no credible evidence in this record to support that theory.

The first decree reapportioned the State Senate from multiple member to single member districts, August 24, 1976, — F. Supp. — (S.D. Miss., 1976).

The second decree reapportioned the House of Representatives from multiple member to single member districts, September 8, 1976, — F. Supp. — (S.D. Miss., 1976).

The private plaintiffs and the Department of Justice have filed objections. To improve upon discrepancies involving contiguity and population, the reapportionment of the House of Representatives is hereby amended in the following respects, and to that extent only:

| District | Geographical Description | Population | Variance |
|----------|---|------------|----------|
| 8 | Coahoma County: The Precincts of Coahoma, Lula, Lyon, and Jonestown; Tunica County: Beats 1, 2, 3 and 4; also Armory Precinct | 16,813 | —7.5 |
| 15 | Coahoma County: Beat 2 and all Clarksdale Precincts in Beats 1 and 3 | 16,677 | —8.2 |
| 16 | Coahoma County: Beat 4, and 5, and Mattson Precinct | 17,465 | —3.9 |
| 53 | Warren County: The Precincts of Yokena, Redbone, Goodrow, Tingle, Beechwood, Culkin, Kings, St. Aloysius, and American Legion (Blackburn) | 16,928 | —6.8 |

| District | Geographical Description | Population | Variance |
|----------|---|------------|----------|
| 54 | Warren County: The Precincts of Jett, Fire Station #7, and Jonestown | 16,492 | —9.2 |

(The reapportionment of Warren County by Beats is on appeal to the Supreme Court. Precinct structure must conform to Beat structure.)

| | | | |
|----|---|--------|------|
| 55 | Warren County: The Precincts of Bovina, Oak Ridge, Redwood, Walters, Brunswick, Cedar Grove, Auditorium and Central Fire Station Yazoo County: The Precincts of Dover, East Bentonia, West Bentonia, Phoenix, Mechanicsburg, Satartia, Fugate, Deasonville, and Valley | 17,082 | —6.0 |
| 60 | Kemper County Lauderdale County: All Precincts in Beats 1 and 2 outside the City of Meridian; the Precincts of Obadiah and Shucktown in Beat 3 | 18,932 | +4.2 |
| 78 | Lauderdale County: Meridian City Precincts 1, 2, 3, 7 and 8, and the County Precincts of School Gap and Nellieburg in Beat 3 | 19,751 | +8.7 |

| | | | |
|----|---|--------|-------------------|
| 80 | Lauderdale County: All Precincts in Beat 3 outside the City of Meridian except Obadiah, Shucktown, School Gap and Nellieburg; All Precincts in Beat 4 except Meridian Precinct No. 13; All Precincts in Beat 5 outside the City of Meridian except East Bonita | 19,371 | +6.6 |
| 98 | Amite County: Beats 4 and 5 Pike County: Beats 4 and 5 | 17,995 | -1.0 |
| 99 | Pike County: Beats 1, 2 and 3 | 19,243 | +6.0 ² |

SPECIAL ELECTIONS

The one remaining substantial issue in this case is whether we should require special elections in any of the newly created legislative districts. The 1975 elections were held pursuant to a temporary plan devised by this Court, from which no party appealed or sought a stay.

On the entire record we have already held that an attempted reapportionment enacted by the Mississippi Legislature in 1975 was not unconstitutional, *Conner v. Waller*, 396 U.S. F. Supp. 1308, reversed on other grounds, 421 U.S. 656 (1975). The exhaustive analysis of the 1975 legislative act reported at 396 F. Supp. 1308-1341, is made a part of this opinion by reference. Suffice it to say that our 1975 court plan proceeded to tighten the legislatively enacted reapportionment. We remain of the view, then expressed, that the temporary plan comported with all pertinent Constitutional standards.

² The final judgment in this case, to be set forth on a separate document, Rule 58, Federal Rules of Civil Procedure, will reflect the changes hereinabove set forth.

Consequently, we conclude that the only available thesis for ordering special elections in any of the newly formulated legislative districts would be where required to remedy any impermissible dilution of black voting strength in the temporary plan when compared with the permanent plan established for the 1979 elections.

The subject has its difficulties. See "Minority Challenges to At-Large Elections: The Dilution Problem", 10 Georgia Law Review 353 (1976).

The Fifth Circuit has written copiously in this field, two of its more recent decisions being *McGill v. Gadsden County Commission*, 5 Cir. 1976, 535 F.2d 277, and *Paige v. Gray*, 5 Cir. 1976, 538 F.2d 1108. These cases reviewed the jurisprudence, including such cases as *East Carroll Parish School Board v. Marshall*, — U.S. —, 96 S.Ct. 1083, 47 L.Ed.2d 296 (1976).

From these cases it seems clear that (1) those who assert dilution of black voting strength have the burden of proving it; and (2) the significance of past discrimination in dilution cases lies in how it bears on political participation today.

In any event, the standards established in the Fifth Circuit *Zimmer* decision, reaffirmed in *Paige*, 538 F.2d at 1111, are:

Where a minority can demonstrate lack of access to the process of slating candidates, the unresponsiveness of legislators to their particularized interests, a tenuous state policy underlying the preference for multi-member or at-large districting, or that the existence of past discrimination in general precludes the effective participation in the election system, a strong case is made. Such proof is enhanced by a showing of the existence of large districts, majority vote requirements, anti-single shot voting provisions and the lack of provision for at-large candidates running from particular geographical subdistricts. The fact of dilution is established upon proof of the existence of an aggregate of these factors. The Supreme Court's recent pronouncement in *White v. Regester, supra*, demonstrates, however, that all these factors need not be proved in order to obtain relief. 485 F.2d at 1305.

We think the Eighth Circuit correctly defined the principle when it said,

The constitutional touchstone is whether the system is open to full minority participation, not whether proportional representation is in fact achieved.

Dove v. Moore, 8 Cir. 1976, 539 F.2d 1152, 1155.

The electoral process in Mississippi has never known the practice generally described as "slating candidates".

The failure of the plaintiffs to demonstrate any present impact from past discrimination is described at 396 F. Supp. 1325.

Our prior opinion, 396 F. Supp. 1308, 1325, demonstrated the failure of the plaintiffs to show legislative unresponsiveness to the needs of black citizens.

The long established state policy of multi-member districts was thoroughly discussed at 396 F. Supp. 1323.

The Attorney General of the United States dispatched numerous federal observers to witness the 1975 elections in Mississippi—first primary, second primary, and general election. At these elections state and local officials are nominated and elected, *from constable to governor*. We requested a detailed report from the Attorney General as to any observed interference with the right of black citizens to participate in the 1975 elections. Nothing was reported beyond some disputes as to whether an individual was registered to vote in the precinct where he was offering to vote, whether he was registered at all, and such like. We observe that the Department of Justice has initiated no prosecutions for alleged violations of federally guaranteed voting rights in 1975.

Observers were dispatched to Mississippi to observe the 1976 Presidential and Congressional elections. The Attorney General has notified this Court of no interference with the right to vote in 1976. On the other hand, the press has uniformly reported that an unusually heavy turn-out of black voters produced the Presidential victory in Mississippi.

We have no difficulty in holding that at the present day interference with the right of black citizens to cast

their ballots is a myth. We reaffirm our prior holding, 396 F. Supp. 1326, "that the Voting Rights Act of 1965 has effectively reduced all such racially discriminatory factors to what honestly may be termed an irreducible minimum".

The Senate

There is no justification for ordering special elections in any newly created senatorial district. Every such district with a black population majority was part of a black majority district in 1975. The only difference is that there no longer will be any multiple member districts.

The House of Representatives

Under our 1975 temporary plan there were 49 single member House districts and 7 single member floterial [sic] districts. Twenty multiple member districts elected two representatives each, three elected three members each, and three elected four members each. Our 1979 plan has no multiple member districts.

We now discuss the newly created black majority districts, brought into existence where no black majority district previously existed.

New District 52. Noxubee County and the Precincts of Crawford and Artesia in Lowndes County.

From 1890 until 1962, under the inelastic provisions of the Constitution of 1890, Noxubee County had three Representatives in the Legislature. It now has 14,288 people, less than enough for one Representative. The black population is 9,397. The white population is 4,844. Under the temporary 1975 plan Noxubee County was combined with Oktibbeha County in District 23A for the election of two Representatives. It was also included in District 23B for the election of a floterial [sic] Representative. The white population of District 23A is 23,413; the black population is 19,401. The 9,397 black citizens of Noxubee County, in a county with not enough population of its own to elect one Representative, took part in the election of three Representatives, two of them coming from a district which was 55% white and 45% black.

A special election in new District 52 would necessitate special elections in new Districts 43, 44, 45, and 46, of which Noxubee County is not a part.

For all these reasons, no special election will be ordered for new District 52.

New District 79. Lauderdale County: Meridian City Precincts 5, 6, 9, 13, 14, 15, 16, 17, and 18, and the Precinct of East Bonita.

The newly formed district was in 1975 District No. 79, which had a white population of 65.5%. The black population of the new district is 56.1%.

A special election in this District will be ordered.

New District 81. The Counties of Claiborne and Jefferson.

Claiborne County has 10,086 people, of whom 7,522 are black, 2,536 are white.

Jefferson County has 9,225 people, of whom 6,996 are black and 2,296 are white.

It will be observed that neither county has enough people to elect a Representative.

Under the 1975 plan, Jefferson County was included in District 32 with Copiah County, a black majority county.

Claiborne County was included with Warren County in District 30 for the election of three Representatives. Warren County has 18,355 black population and 26,474 white. The totals for District 30 (Claiborne and Warren) were 29,410 white and 25,877 black (53% white, 47% black).

An added problem is that a special election in new District 81 would necessitate special elections in new Districts 53, 54, and 55 (Warren County). The re-districting of beats in Warren County (which necessarily entails the reconstitution of voting precincts) is now on appeal to the Supreme Court. Until the Supreme Court shall have decided that matter, we do not consider that equity requires that we should risk illegal elections in the three Warren County districts.

For all of these reasons, no special election will be ordered in new District 81.

New District 3. Beats 1, 2, 3, and 4 of Marshall County.

In 1975 this area was in District 3A for the election of Representatives. That district included all five beats in Marshall County, instead of four beats as now reconstituted. Marshall County also participated in the election of a floater representative, District 3B. Marshall County has a population of 14,891 black people and 9,101 whites. At the general election of November 4, 1975, a white candidate for representative in District 3A received 5,573 votes. His black opponent received 3,317, carrying ten of the fifty precincts. It would appear that the black people of Marshall County have spoken and we know of no constitutional or equitable principle which would require us to undo the action they have taken.

New District 97. Wilkinson County: Amite County: Beats 1, 2 and 3.

Wilkinson County has a population of 11,099, approximately 61% of the amount required for a representative. It has 7,499 blacks and 3,588 whites. Under the 1975 plan it was in District 34, which had a 54.2% white majority. New District 97, in which Wilkinson is now included, has a total black population of 60.6%.

A special election will be ordered in this District.

Other Districts

The remaining new districts with black population majorities participated in the 1975 elections in districts which had black population majorities at that time. Therefore, special elections will not be ordered in those areas.

Plaintiffs have argued that we should order special elections in all new districts in which two presently sitting Representatives have been thrown together, as well as in the areas which they say are now "left without representation". This argument overlooks the fact

that what we have done is to devise a permanent plan for the election of legislators in 1979, not a plan for the wholesale reconstitution of the Legislature in mid-term. The legislators in these areas were elected to represent them for a full four years unless special elections were necessary. There is nothing of record to indicate that such legislators will now neglect the areas from which they were duly chosen.

Except as hereinabove set forth, all objections and motions for special elections filed by the private plaintiffs and the Department of Justice are found to be without merit and are denied.

The Timing of Special Elections

In fixing a time for special elections, the Court is faced with a dilemma. On October 8, 1976 the Court held an afternoon's conference with the parties to determine if an agreed decree might be entered as to the identity of the districts in which special elections were to be held. The purpose was to avoid the possibility of sending persons to the Legislature in an election which the Supreme Court might later render illegal by disapproving our plan of reapportionment, also possibly unseating legislators lawfully elected in 1975. The effort was nonproductive.

It was suggested that a few new districts might be allowed to elect added members of the House of Representatives, to serve only until the 1979 elections. This would mean that if the plan should fail to pass the scrutiny of the Supreme Court then only those seats would be vacated and the legislative process would not be unduly disrupted. This was suggested particularly with reference to the districts hereinabove discussed in detail. The Supreme Court has held that it would not disapprove minor variations from a state's prescribed legislative numbers when such a change is shown to be necessary to meet constitutional requirements, *Minnesota State Senate v. Beens*, 406 U.S. 187, 199 (1972). The private plaintiffs objected on the ground that this would dilute the legislative voting strength of the pres-

ently sitting four black members of the House of Representatives. Consequently, we abandoned that approach.

We have concluded that the equitable and least disruptive course would be for the Court to refrain from setting dates for special legislative elections until time for an appeal has expired or until the Supreme Court shall have decided an appeal on the merits. We expressly retain jurisdiction of the case for the purpose of setting dates for special elections as soon as one of the above alternatives shall have occurred.

Court Costs, Special Masters' Fees, and Attorneys' Fees

All appropriate and legal costs of court are adjudged against the defendants, for which judgment, when the amount is computed, will be entered against the State of Mississippi, *Fitzpatrick v. Bitzer*, — U.S. —, 96 S.Ct. 2666, — L.Ed.2d — (1976).

The Court has heretofore found that the Mississippi Legislature made a good faith effort to reapportion itself in 1973 and 1975. The 1975 effort was upheld by this Court but failed on account of the disapproval of the Attorney General of the United States. We are thus of the opinion that no attorneys' fees are allowable in this case.

The amount of the fees to be allowed the special masters for their services, for which judgment will be awarded against the State, will be determined after an evidentiary hearing on the reasonableness of such fees, for which jurisdiction is also retained.

The private plaintiffs and the Department of Justice will prepare and submit a proposed judgment, written on a separate document, in accordance with the Rules, embodying each and every appropriate part of the decrees rendered on August 24, 1976, September 8, 1976, and on this date. When such judgment shall have been duly approved and entered the same will be a final judgment on the reapportionment of the Mississippi Legislature.

SO ORDERED, ADJUDGED, and DECREED, this
the — day of November, 1976.

/s/ Jas. P. Coleman
United States Circuit Judge

Chief U.S. District Judge

U.S. District Judge

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Nov. 18, 1976]

PEGGY J. CONNOR, ET AL., PLAINTIFFS

v.

CLIFF FINCH, ET AL., DEFENDANTS

AND

UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR

FINAL JUDGMENT

In accordance with the opinions of the Court entered on August 24, 1976, September 8, 1976, and November 12, 1976, it is ORDERED, ADJUDGED, AND DECREED, the defendants, Cliff Finch, Governor of Mississippi, A. F. Summer, Attorney General of Mississippi, Heber Ladner, Secretary of State of Mississippi, Evelyn Gandy, Lieutenant Governor of Mississippi and Presiding Officer of the Mississippi Senate, William B. Alexander, President Pro Tempore of the Mississippi Senate, and C. B. "Buddie" Newman, Speaker of the Mississippi House of Representatives, their officers, agents, servants, employees, attorneys, successors in office, and all persons in active concert or participation with them, are permanently restrained and enjoined as follows:

1. The following permanent legislative reapportionment plans are hereby ordered into full force and effect for the regular quadrennial elections of 1979 and thereafter until altered according to law.

2. Except in those instances in which a special election is ordered, these plans shall not affect the terms of office of legislators elected in 1975.

3. In the event of the death, resignation or removal from office of a legislator presently in office, the vacancy so created shall be filled by a special election in that district promulgated for 1979 in which the legislator shall have resided at the time of such death, resignation or removal from office.

4. The removal by a legislator of his residence from one place to another within the district for which he was elected in 1975 shall not affect the term of office for which he was elected.

5. The 52 members of the Mississippi State Senate to be chosen in the quadrennial election year of 1979 shall be elected from districts consisting of the specified counties, beats, and precincts as follows:

SENATE DISTRICTS

| <u>District Number</u> | <u>Description</u> |
|------------------------|---|
| 1 | DeSoto County; Marshall County: Beat 3 |
| 2 | Lafayette County; Marshall County: Beats 1, 2, 4, and 5 |
| 3 | The Counties of Benton, Pontotoc, and Union |
| 4 | The Counties of Alcorn and Tipah |
| 5 | The Counties of Prentiss and Tishomingo Itawamba County: Beats 1 and 2 |
| 6 | Lee County |
| 7 | Monroe County; Itawamba County: Beats 3, 4, and 5 |
| 8 | Lowndes County: less Air Base Precinct |
| 9 | The Counties of Chickasaw and Clay Lowndes County: Air Base Precinct |

| <u>District Number</u> | <u>Description</u> |
|------------------------|---|
| 10 | The Counties of Choctaw, Montgomery, and Webster; Calhoun County: Beats 1, 2, 4, and 5 |
| 11 | The Counties of Panola and Yalobusha; Calhoun County: Beat 3 |
| 12 | The Counties of Tate and Tunica; Quitman County: Beats 1, 2, 3, and 5 |
| 13 | Coahoma County; Quitman County: Beat 4 |
| 14 | Bolivar County: except the Precincts of Shelby and Duncan-Alligator |
| 15 | Sunflower County; Bolivar County: the Precincts of Shelby and Duncan-Alligator |
| 16 | Washington County: Beats 1, 3, and 4 |
| 17 | Humphreys County; Washington County: Beats 2 and 5 |
| 18 | Leflore County |
| 19 | The Counties of Grenada and Tallahatchie |
| 20 | The Counties of Carroll and Leake; Attala County: Beats 1, 2, 3, and 4 |
| 21 | The Counties of Neshoba and Winston; Attala County: Beat 5 |
| 22 | The Counties of Noxubee and Oktibbeha |
| 23 | Kemper County; Lauderdale County: Beats 1 and 3 |
| 24 | Clarke County: Beat 4 Lauderdale County: Beats 2, 4, and 5 |

| <u>District Number</u> | <u>Description</u> |
|----------------------------|---|
| 25 | The Counties of Jasper and Smith; Clarke County: Beats 1, 2, 3, and 5 |
| 26 | The Counties of Newton and Scott |
| 27 | Rankin County |
| 28 | Madison County; Holmes County: Beats 2 and 3 Yazoo County: Beats 2 and 4 |
| 29 | The Counties of Issaquena and Sharkey; Holmes County: Beats 1, 4, and 5 Yazoo County: Beats 1, 3, and 5 |
| 30 | Warren County |
| 31 | Hinds County: Beat 1 |
| 32 | Hinds County: Beat 2 |
| 33 | Hinds County: Beat 3 |
| 34 | Hinds County: Beat 4 |
| 35 | Hinds County: Beat 5 |
| 36 | Simpson County; Copiah County: Beats 1, 2, 4, and 5 |
| 37 | The Counties of Claiborne and Lincoln; Copiah County: Beat 3 |
| 38 | Jefferson County; Adams County: Beats 1, 2, 4, and 5 |
| 39 | The Counties of Amite, Franklin and Wil- kinson; Adams County: Beat 3 |
| 40 | Pike County; Walthall County: Beats 1, 2, and 3 |
| 41 | The Counties of Lawrence and Marion; Jefferson Davis County: Beat 2 Walthall County: Beats 4 and 5 |

| <u>District Number</u> | <u>Description</u> |
|----------------------------|--|
| 42 | Covington County; Jefferson Davis County: Beats 1, 3, 4, and 5 Jones County: Beat 5, and the Precincts of County Barn and Ellisville Courthouse |
| 43 | Jones County: Beats 1, 2, 3, and 4, less the Precincts of County Barn and Ellisville Courthouse |
| 44 | Forrest County: Beats 1, 2, and 3; the Pre- cincts of Camp School, Dixie Pine, Haw- kins Junior High, Rowan High, William Carey, and McCallum |
| 45 | The Counties of Lamar and Perry; Forrest County: Beat 5 and the Precincts of County A.H.S. and McLaurin Stone County: Beats 1 and 2 |
| 46 | The Counties of George, Greene, and Wayne; Stone County: Beats 3, 4, and 5 |
| 47 | The Counties of Hancock and Pearl River |
| 48 | Harrison County: the City of Gulfport and Precinct 11 in the City of Biloxi |
| 49 | Harrison County: all of the City of Biloxi except Precinct 11 |
| 50 | Harrison County: all that part outside the Cities of Biloxi and Gulfport |
| 51 | Jackson County: all that part outside the Cities of Moss Point and Pascagoula plus the Precinct of Bayou Casotte No. 4 |
| 52 | Jackson County: the City of Moss Point; all of the City of Pascagoula except the Pre- cinct of Bayou Casotte No. 4 |

6. For the regular quadrennial election of 1979, and thereafter until changed according to law, the 122 members of the Mississippi House of Representatives shall be elected from 122 districts as follows:

HOUSE DISTRICTS

| District Number | Description |
|-----------------|---|
| 1 | DeSoto County: Beat 3, Beat 4, and the Precinct of Hernando East |
| 2 | DeSoto County: Beat 1, Beat 2, and the Precincts of Alhaba, Lewisburg West, Love, Nesbit East, and Pleasant Hill |
| 3 | Marshall County: Beats 1, 2, 3, and 4 |
| 4 | Benton County; Marshall County: Beat 5; Lafayette County: Beats 2 and 3 |
| 5 | Tippah County; Prentiss County: Beat 2 |
| 6 | Alcorn County: Beat 1, Beat 4, Beat 5, and the Precincts of Biggersville and Rienzi |
| 7 | Tishomongo County: Beats 1, 2, 3, and 4 Alcorn County: Beat 2, and the Precinct of South Corinth |
| 8 | Coahoma County: The Precincts of Coahoma, Lula, Lyon, and Jonestown; Tunica County: Beats 1, 2, 3, and 4; also Armory Precinct |
| 9 | Tate County; |
| 10 | Panola County: Beats 1, 2, and 5 |
| 11 | Panola County: Beats 3 and 4; Yalobusha County: Beats 1, 2, 3, and 4 |
| 12 | Lafayette County: Beats 1, 4, and 5 |

| District Number | Description |
|-----------------|---|
| 13 | Union County; |
| 14 | Prentiss County: Beats 1, 3, 4, and 5; Tishomingo County: Beat 5 |
| 15 | Coahoma County: Beat 2 and all Clarksdale Precincts in Beats 1 and 3 |
| 16 | Coahoma County: Beat 4, Beat 5, and Mattson Precinct |
| 17 | Quitman County Tunica County: The Precinct of Two Mile Lake - |
| 18 | Pontotoc County; |
| 19 | Lee County: Beat 1, Beat 2, and Belden Precinct |
| 20 | Lee County: The Precincts of Auburn, Bissell, East Heights North, East Heights South, Eggville, Gilvo, Mooreville, Old Union, Palmetto, Tupelo III, Tupelo IV, Tupelo V, and Verona |
| 21 | Itawamba County; Lee County: The Precincts of Petersburg, Plantersville, and Richmond |
| 22 | Bolivar County: Beat 1, and the Precincts of Pace, Longshot, Shaw, Skene, and Stringtown; Sunflower County: The Precinct of Boyer-Linn |
| 23 | Bolivar County: The Precincts of Central Cleveland, East Central Cleveland, East Cleveland, West Cleveland, and Boyle |
| 24 | Bolivar County: Beat 3, and the Precincts of North Cleveland and Merigold |

| District Number | Description |
|-----------------|---|
| 25 | Sunflower County: Beat 1, Beat 3, and the Precinct of Moorehead |
| 26 | Sunflower County: Beat 5; Sunflower and Indiahola Precincts in Beat 2; Dockery, Doddsville, and Ruleville Precincts in Beat 4 |
| 27 | Tallahatchie County: Beats 1, 2, 4, and 5, and the Precinct of Paynes |
| 28 | Calhoun County; Yalobusha County: Beat 5 |
| 29 | Chickasaw County; Lee County: The Precincts of Pleasant Grove and Shannon |
| 30 | Monroe County: Beat 4, and the Precincts of Aberdeen III, Lackey, Central Grove, Boyd's (Pine Grove), Nettleton, Willis, and Wren Lee County: The Precincts of Brewer, Kedron, and Nettleton |
| 31 | Monroe County: Beat 1, Beat 2, and the Precincts of Amory V, Bartahatchie, Bigbee, Gattman, Grubb Springs, and Hamilton |
| 32 | Issaquena County; Washington County: Beat 1, and the Precinct of Avon |
| 33 | Washington County: The Precincts of Ward Center, Community Center, Arcola, and Hollandale |
| 34 | Washington County: Beat 3, and the Precinct of New County Garage |
| 35 | Washington County: The Precincts of Darlove, Bourbon, County Recreation Center, Industrial College, Leland Health Clinic, and Leland Light Plant |
| 36 | Leflore County: Beat 1, Beat 3, and the Precinct of Money |

| District Number | Description |
|-----------------|--|
| 37 | Leflore County: Beats 4 and 5 |
| 38 | Carroll County; Leflore County: The Precincts of Northeast Greenwood and East Greenwood Attala County: Beat 3, less Possumneck Precinct |
| 39 | Grenada County: Beats 1, 3, 4, and 5; Tallahatchie County: Beat 3, less Paynes Precinct |
| 40 | Montgomery County; Grenada County: Beat 2 |
| 41 | The Counties of Choctaw and Webster; |
| 42 | Clay County; |
| 43 | Oktibbeha County: Beats 1, 3, 4, and the Precinct of Hickory Grove |
| 44 | Oktibbeha County: Beat 5, and the Precincts of Northeast Starkville, and Osborn; Lowndes County: The Precincts of Mayhew, West Lowndes, Barrow, and University |
| 45 | Lowndes County: The Precincts of Air Base, Caledonia, Rural Hill, New Hope, Fairview, and Coleman |
| 46 | Lowndes County: The Precincts of Brandon, Lee High, Stokes-Beard, Sale, Franklin, Caldwell, and Hunt |
| 47 | Sharkey County; Humphreys County: Beat 5; Yazoo County: The Precincts of Carter, Lake City, Zion, Eden, Free Run, East Midway, West Midway, Harttown, Enola, Fairview, and Holly Bluff |

| District Number | Description |
|-----------------|---|
| 48 | Humphreys County: Beats 1, 2, 3, and 4; Holmes County: The Precincts of Coxburg, Tchula, and Thornton |
| 49 | Holmes County: Entire County, less the Precincts of Coxburg, Tchula, and Thornton |
| 50 | Attala County: Beats 1, 2, 4, 5, and the Precinct of Possumneck |
| 51 | Winston County; |
| 52 | Noxubee County; Lowndes County: The Precincts of Crawford and Artesia |
| 53 | Warren County: The Precincts of Yokena, Redbone, Goodrow, Tingle, Beechwood, Culkin, Kings, St. Aloysius, and American Legion (Blackburn) |
| 54 | Warren County: The Precincts of Jett, Fire Station #7, and Jonestown |
| 55 | Warren County: The Precincts of Bovina, Oak Ridge, Redwood, Walters, Brunswick, Cedar Grove, Auditorium and Central Fire Station Yazoo County: The Precincts of Dover, East Bentonia, West Bentonia, Phoenix, Mechanicsburg, Satartia, Fugate, Deasonville, and Valley |
| 56 | Yazoo County: The Precincts of Benton, Center Ridge, Robinette, East Courthouse, West Courthouse, South City Hall, North City Hall, West Lintonia, and East Lintonia |
| 57 | Madison County: Beats 1, 4, and 5 |
| 58 | Leake County; Neshoba County: The Precincts of Hays, Turner, Dixon, and Groves |

| District Number | Description |
|-----------------|---|
| 59 | Neshoba County: The entire county, less the Precincts of Hays, Turner, Dixon and Groves |
| 60 | Kemper County Lauderdale County: All Precincts in Beats 1 and 2 outside the City of Meridian; the Precincts of Obadiah and Shucktown in Beat 3 |
| 61 | Hinds County: Precincts 17, 35-38, 42-45, Twin Pines |
| 62 | Hinds County: Precincts 27, 29, 39-41, 79-83, Liberty Grove |
| 63 | Hinds County: Precincts 1, 5, 6, 8, 9, 14-16, 32-34 |
| 64 | Hinds County: Precincts 12, 13, 21-23, 28, 30 |
| 65 | Hinds County: Precincts 2, 4, 10, 11, 18, 19, 50 |
| 66 | Hinds County: Precincts 20, 31, 52, 55-57, 61 |
| 67 | Hinds County: Precincts 47, 51, 53, 58, 63, 64, 66 |
| 68 | Hinds County: Precincts 24-26, 54, 59, 60, 62, 67-69 |
| 69 | Hinds County: Precincts 49, 70-77 |
| 70 | Hinds County: Precincts of Bolton, Brownsville, Clinton 1, Clinton 2, Clinton 3, Clinton 4, Cynthia, Flag Chapel, North Clinton, Pocahontas, Presidential Hills, Tinnin |
| 71 | Hinds County: Precincts of Cayuga, Edwards, Fairfax, Hickory, Learned, Midway, Raymond 1, Raymond 2, Van Winkle 1, Van Winkle 2 |

| District Number | Description |
|-----------------|--|
| 72 | Hinds County: Precincts of Briarcliff, Byram, Chapel Hill, Dry Grove, Forest Hill, Old Byram, Red Hill, Terry, Utica 1, Utica 2, Woodville Heights |
| 73 | Rankin County: Beat 2; Madison County: Beats 2 and 3 |
| 74 | Rankin County: Beats 4 and 5 |
| 75 | Rankin County: Beats 1 and 3 |
| 76 | Scott County: Beats 1, 2, 4, and 5 |
| 77 | Newton County; |
| 78 | Lauderdale County: Meridian City Precincts 1, 2, 3, 7 and 8, and the County Precincts of School Gap and Nellieburg in Beat 3 |
| 79 | Lauderdale County: Meridian City Precincts 5, 6, 9, 13, 14, 15, 16, 17, and 18, and the Precinct of East Bonita |
| 80 | Lauderdale County: All Precincts in Beat 3 outside the City of Meridian except Obadiah, Shucktown, School Gap and Nellieburg; All Precincts in Beat 4 except Meridian Precinct No. 13; All Precincts in Beat 5 outside the City of Meridian except East Bonita |
| 81 | The Counties of Claiborne and Jefferson; |
| 82 | Copiah County: Beat 1, Beat 4, Beat 5 and the Precincts of East Hazlehurst, West Hazlehurst, Barlow, Glancy, and Allen |
| 83 | Lawrence County; Copiah County: Beat 2 and the Precincts of Ainsworth and Martinsville West; Simpson County: The Precincts of Bridgeport, Pinola, and Shivers |

| District Number | Description |
|-----------------|--|
| 84 | Simpson County: Beat 1, Beat 2, Beat 3, Beat 5; the Precincts of Magee North and Magee South |
| 85 | Smith County; Scott County: Beat 2 |
| 86 | Jasper County: Beats 1, 3, 4, and 5; Jones County: The Precincts of Gitano, Matthews, and Shady Grove |
| 87 | Clarke County; Jasper County: Beat 2 |
| 88 | Adams County: Beats 1 and 2, and the Precincts of Liberty Park, Concord, and Palestine |
| 89 | Adams County: Beats 4 and 5, and the Precinct of Somerset |
| 90 | Franklin County; Lincoln County: Beat 4, and the Precincts of Caseyville, Loyd Star, Old Red Star, Vaughn, and Zetus |
| 91 | Lincoln County: Beat 1, Beat 2, Beat 3, and the Precinct of Northwest Brookhaven |
| 92 | Jefferson Davis County: Beats 1, 3, 4, and 5; Covington County: Beat 3, Beat 4, Beat 5, and the Precincts of South Collins and Eminence |
| 93 | Jones County: Beat 2, and the Precincts of West Jones, Mason School, 26th Street Fire Station, and Lamar School |
| 94 | Jones County: Beat 3, and the Precincts of Sharon, Sandersville, City Barn, Maddox School, Stone Deavours School |

| District Number | Description |
|-----------------|---|
| 95 | Jones County: Beat 4, and the Precincts of Moselle, Pendorf, Pine Grove, Rainey, South Jones, and Shelton |
| 96 | Wayne County; |
| 97 | Wilkinson County; Amite County: Beats 1, 2, and 3 |
| 98 | Amite County: Beats 4 and 5 Pike County: Beats 4 and 5 |
| 99 | Pike County: Beats 1, 2 and 3 |
| 100 | Walthall County; Jefferson Davis County: Beat 2; Marion County: The Precincts of Goss, Morgantown, White Bluff, Stovall, and Kokomo |
| 101 | Marion County: Entire County except the Precincts of Goss, Morgantown, White Bluff, Stovall, and Kokomo |
| 102 | Lamar County; Covington County: Beat 1, and the Precincts of Richmond and Sanford |
| 103 | Forrest County: The Precincts of Lillie Burney, Woodley School, Jones School, Petal High, East Bowie, Petal-Harvey, Camp School, and Hawkins Junior High |
| 104 | Forrest County: The Precincts of Blair High, Eatonville, Glendale, Petal-Leeville, Rawls Springs, Macedonia, Davis School, Grace Christian, and Pinecrest |
| 105 | Forrest County: The Precincts of Central School, Dixie School, Westside, Eaton School, Sunrise, Walthall, Dixie Pine, Rowan High, William Carey, and Thames |

| District Number | Description |
|-----------------|---|
| 106 | Forrest County: The Precincts of Forrest County A.H.S., McCallum, McLaurin, Brooklyn, Carnes, and Maxie; Pearl River County: The Precincts of Poplarville East, Poplarville West, Byrd Line, Hickory Grove, Gum Pond, Wolf River, Oak Hill, Hillsdale, Fords Creek, Buck Branch, White Sand, Mill Creek, Derby, Progress, Silver Run, Steep Hollow, Savannah, McNeill, and Caesar; |
| | Stone County: Beat 2 |
| 107 | The Counties of Greene and Perry |
| 108 | Pearl River County: Beat 4, and the Precincts of Picayune I, II, III, and V; the Precincts of Ozone, Carriere, and Salem |
| 109 | George County; Stone County: Beats 1, 3, 4, and 5 |
| 110 | Hancock County; |
| 111 | Harrison County: The Precincts of Biloxi Nos. 1-4, D'Iberville, North Bay, and White Plains |
| 112 | Harrison County: The Precincts of Biloxi Nos. 5-7, 7A-8, Holly Hills, and Howard Creek |
| 113 | Harrison County: The Precincts of Stonewall, West Handsboro, Biloxi Nos. 9-11, and East Handsboro |
| 114 | Harrison County: The Precincts of Gulfport Nos. 7 and 12, New Hope, E & W Saucier, Gulfport No. 11, Advance, East Lyman, East Orange Grove, Peace, and Poplar Head |

| <u>District Number</u> | <u>Description</u> |
|----------------------------|--|
| 115 | Harrison County: The Precincts of Gulfport Nos. 4, 5, 6, 8, and 9, East and West Mississippi City, and East and West North Gulfport |
| 116 | Harrison County: The Precincts of Gulfport Nos. 13 and 14, Gulfport Nos. 2, 3, and 10, Outside Long Beach, West Orange Grove, West Lyman, and Lizana |
| 117 | Harrison County: The Precincts of Gulfport No. 1, East Pass Christian, West Pass Christian, East Long Beach, West Long Beach, Pineville, Delisle, Ladner, Vidalia, and Riceville |
| 118 | Jackson County: Beat 1 |
| 119 | Jackson County: Beat 2 |
| 120 | Jackson County: Beat 3 |
| 121 | Jackson County: Beat 4 |
| 122 | Jackson County: Beat 5 |

7. Defendants shall order and direct special elections in House Districts 79 and 97 on a date to be specified by the Court. The Court shall refrain from setting dates for special legislative elections until time for an appeal has expired or until the Supreme Court shall have decided an appeal on the merits. The Court retains jurisdiction of the case for the purpose of setting dates for special elections as soon as one of the above alterations shall have occurred.

8. Except as hereinabove set forth, all objections and motions for special elections filed by the private plaintiffs and the Department of Justice are denied.

9. All appropriate and legal costs of court are adjudged against defendants, for which judgment, when the amount is computed, will be entered against the State of Mississippi.

10. Plaintiffs' request for an award of attorney's fees is denied.

11. Fees to be allowed the special masters shall be taxed against the State of Mississippi, and the amount of such fees shall be determined after an evidentiary hearing on the reasonableness of such fees, for which jurisdiction is retained.

12. Except for the injunctive relief herein granted, and subject to the Court's retention of jurisdiction stated above, the complaint and amended complaints filed herein are dismissed.

ORDERED, ADJUDGED, AND DECREED on this the 17 day of November, 1976.

/s/ Jas. P. Coleman
United States Circuit Judge
For the Court, Composed of

/s/ Dan M. Russell, Jr. and
United States District Judge

/s/ Harold Cox
United States District Judge
(3 Judge District Court)

Approved as to form:

For the Private Plaintiffs:

/s/ Frank R. Parker
Attorney for Private Plaintiffs

For the United States, as
Plaintiff-Intervenor:

/s/ Joseph E. Brown, Jr.
Attorney for Plaintiff-Intervenor

For the Defendants:

/s/ H. F. Summer
Attorney for Defendants

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Nov. 18, 1976]

[Caption Omitted]

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that plaintiffs Peggy J. Connor, et al., hereby appeal to the United States Supreme Court from paragraphs 7 and 8 of the Final Judgment entered in this action on November 18, 1976.

Dated: November 18, 1976.

/s/ Frank R. Parker
FRANK R. PARKER
Lawyers' Committee for
Civil Rights Under Law
233 North Farish Street
Jackson, Mississippi 39201
Attorney for Plaintiffs

[Certificate of Service Omitted]

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FOR THE
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Nov. 29, 1976]

[Caption Omitted]

MOTION TO ALTER OR AMEND JUDGMENT

Plaintiffs, by their attorneys, move the Court pursuant to Rule 59 to :

1. Grant plaintiffs a hearing on their objections to the court-ordered Senate and House plans; and
2. Alter and amend its final judgment of November 18, 1976, to substitute for the Court's Senate plan plaintiffs' proposed Modified Henderson Senate County Boundary Plan, attached as Exhibit A to Plaintiffs' Supplement to Motion to Alter and Amend Judgment filed October 8, 1976, and substitute for the House districts to which plaintiffs' have objected the alternative proposals attached as Exhibit B to Plaintiffs' Supplement to Motion to Alter and Amend Judgment filed October 8, 1976.

And as grounds for their motion, plaintiffs would show to the Court as follows:

1. The Senate plan ordered into effect by the District Court in its final judgment of November 18, 1976, is based not on 1970 Census data or any other form of population data, but in fact is based on the votes received by the Democratic candidates for Governor in the August 5, 1975 Democratic primary election, fails to provide substantial equality of population among the districts in violation of the Equal Protection Clause of the Fourteenth Amendment and the requirements of equity,

and unconstitutionally and inequitably cancels out, minimizes, disperses, and dilutes black voting strength.

2. Although the House plan likewise is based not on population statistics, but on voting results for the August 1975 Democratic primary, our analysis based on 1970 Census data shows that a substantial number of House districts meet constitutional and equitable requirements within the guidelines established by the Court, viz., basing the new House districts on beat and precinct lines. However, a substantial number of House districts in the Court's House plan continue unconstitutionally and inequitably to fail to provide substantial equality of population among the districts and to cancel out, minimize, disperse, and dilute black voting strength.

In support of their motions, plaintiffs submit herewith the attached affidavits and refer the Court as well to plaintiffs' Motions filed September 20 and October 8, 1976, and the exhibits attached to those motions, which are incorporated herein by reference.

Respectfully submitted,

/s/ Frank R. Parker
FRANK R. PARKER
Lawyers' Committee for
Civil Rights Under Law
233 North Farish Street
Jackson, Mississippi 39201
Attorney for Plaintiffs

APPENDIX A

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3830 (A)

[Caption Omitted]

AFFIDAVIT OF FRANK R. PARKER

STATE OF MISSISSIPPI)
) SS:
COUNTY OF HINDS)

FRANK R. PARKER, after first being duly sworn, deposes and says as follows:

1. I am lead counsel for the plaintiffs in the above-styled case.

2. Subsequent to the Court's opinion of September 8, 1976, I obtained from Mr. Hoyt T. Holland, Jr., special master for the Court, a copy of the current Holmes County redistricting plan showing the boundaries of the supervisors' districts for Holmes County. A copy of the map obtained showing the boundaries of the Holmes County supervisors' Districts was attached as Exhibit B to plaintiffs' motion to alter and amend judgment filed September 20, 1976. On that occasion Mr. Holland informed me that the population figures used by the Court and stated in its Senate and House plans are based on the votes received by the Democratic candidates for Governor in the August 1975 Democratic primary election.

3. Using current precinct maps and 1970 Census data, I and members of my staff working under my direct supervision and control, have calculated the population for the House districts for the Court's House plan in-

cluded in its final judgment of November 18, 1976. For all instances in which the current precinct (and beat) lines split 1970 Census enumeration districts, we estimated the portions of the precinct (and beat) population lying on each side of the precinct line within the Census enumeration district. These calculations indicate the following population and variance for the following House districts:

| House District | Population (based on 1970 Census) | Variance |
|----------------|-----------------------------------|----------|
| 8 | 16,733 | - 7.91% |
| 15 | 14,471 | -20.36% |
| 16 | 19,438 | + 6.97% |
| 22 | 20,067 | +10.4% |
| 23 | 16,209 | -10.8% |
| 24 | 15,381 | -15.4% |
| 25 | 16,594 | - 8.7% |
| 26 | 18,205 | + 0.2% |
| 32 | 17,276 | - 4.9% |
| 33 | 16,860 | - 7.2% |
| 34 | 20,170 | +11.0% |
| 35 | 19,012 | + 4.6% |
| 45 | 20,358 | +12.0% |
| 46 | 18,844 | + 3.7% |
| 53 | 19,933 | + 9.70% |
| 54 | 11,079 | -39.03% |
| 55 | 19,845 | + 9.21% |

/s/ Frank R. Parker
FRANK R. PARKER

[Jurat Omitted]

APPENDIX B

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Caption Omitted]

AFFIDAVIT OF PROF. GORDON G. HENDERSON

STATE OF MISSISSIPPI)
) SS:
COUNTY OF HINDS)

GORDON G. HENDERSON, after first being duly sworn, deposes and says as follows:

1. I am Professor of Political Science and Director of the Computer Center at Tougaloo College, Tougaloo, Mississippi. I have a Ph.D. in political science from Columbia University (1962). I am familiar with the legal requirements of legislative redistricting. I have previously testified in this case. I am also familiar with the use of Census maps and Census statistics. I have testified in three county redistricting cases, including Hinds County and Smith County in Mississippi, and Rapides Parish in Louisiana.

2. I have analyzed the population distribution between Districts 28 and 29 in the District Court's permanent Senate plan contained in its final judgment of November 18, 1976. In this analysis I used 1970 Census statistics for Madison, Issaquena, and Sharkey Counties, and 1970 Census supervisors' district (beat) statistics for Yazoo County. Upon information and belief, the current supervisors' districts for Yazoo County are the same as those used for gathering 1970 Census data. For calculating the population of the Holmes County beats, I used the 1970 Census map for Holmes County showing

which are, upon information and belief, copies of the precinct maps for Warren County and Vicksburg as delineated in Exhibits D-10 and D-11 in *United States v. Board of Supervisors of Warren County, Mississippi*, Civil No. 73W-48(N), S.D. Miss., the precinct lines of which were drawn on Bureau of the Census census maps, and a copy of the computer printout from the Census master tape summary showing the population by race for each of the Census enumeration districts for Warren County, which is contained in Exhibit P-2 admitted in evidence at the February 7, 1975 hearing in this case. I also personally confirmed the location of the precinct boundaries with the Warren County Circuit Clerk's office.

3. Using these materials, and the Bureau of Census publication *General Population Characteristics: Mississippi*, No. PC(1)-B26 (1971), I estimated the population, by race, for each of the voting precincts of Warren County as follows:

| Precinct | Total | White | Black |
|----------------------|-------|-------|-------|
| Cedar Grove | 1,720 | 1,377 | 342 |
| Kings | 1,295 | 657 | 635 |
| Walters | 2,426 | 852 | 1,565 |
| Oak Ridge | 1,055 | 757 | 297 |
| Bovina | 542 | 280 | 261 |
| St. Aloysius | 3,998 | 1,941 | 2,041 |
| Auditorium | 5,210 | 1,704 | 3,468 |
| Brunswick | 488 | 192 | 296 |
| Redwood | 1,173 | 743 | 429 |
| Beechwood | 1,137 | 1,021 | 113 |
| Tingle | 2,921 | 2,175 | 739 |
| No. 7 Fire Station | 4,574 | 2,649 | 1,919 |
| Central Fire Station | 1,350 | 824 | 521 |

| Precinct | Total | White | Black |
|------------------------------|--------|--------|--------|
| American Legion ¹ | 4,171 | 1,590 | 2,568 |
| Culkin | 1,839 | 1,351 | 488 |
| Goodrum | 1,849 | 1,617 | 214 |
| Jett | 1,497 | 1,287 | 207 |
| Yokena | 712 | 523 | 188 |
| Redbone | 2,011 | 1,721 | 284 |
| Jonestown | 5,008 | 3,214 | 1,781 |
| Totals | 44,976 | 26,475 | 18,356 |

/s/ James W. Loewen
JAMES W. LOEWEN

[Jurat Omitted]

[Certificate of Service Omitted]

¹ Central Vicksburg precinct between Central Fire Station on the north and No. 7 Fire Station on the south, referred to in election returns as Blackburn, contains ED's 25, 26, and parts of 31, 33, 37, and others.

SUPREME COURT OF THE UNITED STATES

No. A-421 (76-777)

[Filed Dec. 13, 1976]

PEGGY J. CONNOR, ET AL., APPELLANTS

v.

CLIFF FINCH, Governor of Mississippi, ET AL.

APPEAL from the United States District Court for the Southern District of Mississippi.

UPON CONSIDERATION of the requests of Peggy J. Connor, et al, and of the United States to treat the application as an expedited appeal from the judgment denying injunctive relief entered by the United States District Court for the Southern District of Mississippi in Civil Action No. 3830 (A) on November 18, 1976,

IT IS ORDERED by this Court that the said requests be, and they are hereby, granted, and probable jurisdiction is noted.

The parties may file and exchange such motions under Rule 16 as they desire, and they shall file and exchange briefs on the merits on or before the close of business Monday, February 7, 1977. Responsive briefs, if any, shall be filed and exchanged on or before the close of business Monday, February 21, 1977. Oral argument is set for Monday, February 28, 1977.

It is further ordered that any and all other appeals from the above judgment be taken by filing notices of appeal and perfected pursuant to the Rules of the Court by filing statements as to jurisdiction on or before the close of business Wednesday, January 5, 1977.

December 8, 1976

[Jurat Omitted]

UNITED STATES COURT OF APPEALS
FIFTH JUDICIAL CIRCUITP.O. Box B
Ackerman, Mississippi 39735

December 17, 1976

JAMES P. COLEMAN
Judge

[Filed Dec. 20, 1976]

The Clerk
United States District Court
Jackson, Mississippi 39205

Dear Mr. Clerk:

I herewith forward to you a copy of the Special Master's report dated December 8, 1976.

I think it would be well if you would please send xerox copies of this report to all counsel of record.

Sincerely yours,

/s/ Jas. P. Coleman
United States Circuit Judge

JPC/ne

CC: Honorable Dan M. Russell, Jr.

CC: Honorable William Harold Cox

December 8, 1976

CIVIL ACTION No. 3830(A)

ANALYSIS BY SPECIAL MASTER OF
PLAINTIFF'S OBJECTIONS IN HIS MOTION TO
ALTER OR AMEND JUDGMENT

UNDER DATE OF NOVEMBER 29, 1976

Plaintiff's objections and/or motions are taken up herein in the order of their presentation.

Motion No. 1: To grant Plaintiffs a hearing on their objections to the court decreed Senate and House Plans.

Special Master's Comment: This is for the Court to determine.

Motion No. 2: To substitute in toto for the Court's Senate Plan, the proposed Modified Henderson Senate County Boundary Plan; and to substitute for the House districts to which Plaintiffs have objected the Alternative Proposals attached as Exhibit B to the Plaintiff's Supplement to Motion to Alter or Amend Judgment, filed October 8, 1976.

Grounds offered by the Plaintiff are:

1. The Court Plan is based, not on 1970 Census data or any other form of population data but is based on the votes received by the Democratic candidates for Governor in the August 5, 1976 Democratic Primary Election.

Special Master's Comments:

The statement that the Court Plan is not based on 1970 Census population data is plainly and simply a fabrication. Election data was used to help arrive at the population of voting precincts, there being no Census figures available for these smallest of political entities, but in every case these election data were used in connection with known population data for 1970 for larger political subdivisions.

The Court has understood and recognized from the beginning that in most cases in Mississippi, population

figures from the 1970 Federal Census for Beats are no longer valid (beat lines having been changed by local determination or Court order in almost every county in the state since the 1970 Census figures were arrived at). Further, the Court is well aware that Census figures have never been available for voting precincts (the final political subdivisions to which we have had to go time and time again in this reapportionment plan and to which any other single-member plan would also have to go.)

The Court is also aware that in many cases in the Court Plan 1975 voting figures have been applied against known 1970 Census population figures in order to arrive at a calculated estimate of the population of each precinct.

As a matter of fact, the population figures of the 1970 Census have been used throughout both the Senate and the House plans as the basis for reapportionment. Each precinct's percentage of the total vote cast either in the county or in the applicable beat was applied to the population of the county or applicable beat (when the latter was known) to arrive at a calculated estimate of the population of each precinct.

No matter what method is employed in arriving at precinct population figures in Mississippi—in the present light of things—final dependence must be placed upon estimates sensibly and honestly made from the most recent and applicable data at hand.

Plaintiff No. 2: The Senate Plan "fails to provide substantial equality of population among the districts. . . ."

Special Master's comments:

As previously pointed out herein and as repeatedly brought out at previous hearings, when precincts and beats (where lines have been changed since 1970) have to be used, *some sort of an estimate has to be used* in arriving at population figures. The method employed in the Court Plan has proven to be accurate enough in test checks to be generally used and relied upon. In those

Plans where Census Enumeration Districts have been used by the Plaintiffs or by anyone else, these Enumeration Districts have had to be split in multiplied numbers of cases, and in each case an estimate had to be made of the population in each part of the Enumeration District.

As to the statement that Democratic Primary Election figures were used as a basis for the determination from Census of population of voting precincts, it is well known in Mississippi that Republicans and Independents took part in the Democratic Primary in 1975, just as they have always done. Mississippi does not have voter registration by party affiliation.

Plaintiff No. 3: The Senate Plan "cancels out, minimizes, disperses, and dilutes black voting strength."

Special Master's comments:

The Court has already found that this allegation is not true and has so stated in more than one of its decrees.

The Plaintiff as to the House Plan generally:

"Although the House plan is based on voting results our analysis based on 1970 Census data shows that a substantial number of House districts meet constitutional and equitable requirements basing the House districts on beat and precinct lines. However, a substantial number of House districts in the Court's House plan continue unconstitutionally and inequitably to fail to provide substantial equality of population among the districts and to cancel out, minimize, disperse, and dilute black voting strength."

Special Master's comments:

These allegations are repetitions [sic] of those previously made and dismissed by the Court, generally done in open meetings with all parties. Nonetheless, we will take up each separate case as presented by Plaintiffs:

AFFADIVIT OF FRANK R. PARKER

Special Master's comments:

As to paragraphs Nos. 1 and 2 thereof no comment is necessary and none is made.

Paragraph No. 3: Mr. Parker states that he and members of his staff "calculated" the population for the House district for the Court's plan included in its final judgment of November 18, 1976. He further states that in all instances in which the current precinct (and beat) lines split 1970 census enumeration districts he "estimated" the portions of the precinct (and beat) population lying on each side of the precinct line within the census enumeration district. (Emphasis added).

Plaintiffs admit "calculations" and "estimates" of precinct and beat populations, but using such "calculations" and "estimates" state that they "indicate" the following population and variance for each of the following House districts:

| House Dist. No. | | Plaintiff's Estimate | | Court House Plan | |
|-----------------------|--|----------------------|----------|------------------|----------|
| | | Popula- tion | Variance | Popula- tion | Variance |
| 8 | Tunica County: Beats 1, 2, 3 & 4, plus the Armory precinct in Beat 5 Coahoma County: Coahoma, Lula & Lyon precincts in Beat 1; & Jonestown precinct in Beat 3 | | | 10,508 | |
| | | | | 6,305 | |
| | TOTALS | 16,733 | -7.91 | 16,813 | -7.5 |
| 15 | Coahoma County: Beat 2; & the Clarksdale precincts in Beats 1 & 3 | 14,471 | -20.36 | 16,677 | -8.2 |
| 16 | Coahoma County: Beats 4 & 5; & Mattson precinct in Beat 3 | 19,438 | + 6.97 | 17,465 | -3.9 |

Special Master's comments: The population difference is only 80 between the two estimates. We deem this amount to be insignificant.

Special Master's comments: Census enumeration districts are split in these two districts. These splits appear in thickly populated areas. Any dependence placed upon arbitrary estimates of population on either side of a line appear hazardous.

It will be observed that Plaintiffs offer no population "estimates" either by beats or precincts here, but only for the district as a whole. Therefore, no detailed comparison can be made to determine the precincts in which the greatest variance lies as between the two population "estimates". It is apparent, however, that Plaintiffs figures overall for Districts 8, 15 and 16 total but 50,642, while those in the mathematically proven Court Plan total 50,955, or 313 more. Since the Court's plan totals 40,447 population for Coahoma County (as does the 1970 Census) it would appear that Plaintiffs failed to "estimate" 313 people in that county on one or the other sides of the line.

Nonetheless, a new composition of Districts 15 and 16 could be effectuated in the following manner:

1. Begin by using Plaintiff's estimates of population;
2. To the Plaintiff's estimate for District 15, add Cagle Crossing from Beat 4 and Bobo, Rena Lara and Roundaway precincts and population from Beat 5, but using the Court's population figures for these precincts, since no such detailed figures are available in connection with the Plaintiff's estimates. Then pull these precincts from District 16;

3. Add the 313 "shortage" in Plaintiff's overall population estimate for Coahoma County.

This would result in districts as follows:

| | | |
|--|--------|-------|
| District 15. Coahoma County: Beat 2; & the Clarksdale precincts in Beats 1 & 3; | | |
| & Cagle Crossing precinct in Beat 4; | | |
| & Bobo, Rena Lara & Roundaway precincts in Beat 5 | | |
| | 17,260 | -5.01 |
| District 16. Coahoma County: Mattson precinct in Beat 3; & the Clarksdale precincts in Beats 4 & 5 | | |
| | 16,882 | -7.1 |

The suggested changes in Districts 15 and 16 are offered solely as an alternative that might lessen Plaintiff's objections and in no wise is to be construed as an admission that these Districts in the Court Plan contain fatal flaws.

Now, to proceed further with other comparisons of the Court Plan and the Plaintiff's estimates of populations and population variances:

| House Dist. No. | | Plaintiff's Estimate | | Court House Plan | |
|-----------------------|---|----------------------|----------|---------------------|----------|
| | | Popula- tion | Variance | Popula- tion | Variance |
| 22 | Bolivar County: Beat 1; & the precincts of Pace & Longshot in Beat 2; & the precincts of Shaw, Skene & Stringtown in Beat 5 Sunflower County: The precinct of Boyer-Linn in Beat 4 | | | 15,460 1,227 | |
| | TOTALS | 20,067 | + 10.4 | 16,687 | -8.2 |
| 23 | Bolivar County: The precincts of Central Cleveland, East Central Cleveland & West Cleveland in Beat 2; & East Cleveland in Beat 4; & Boyle in Beat 5 | 16,209 | -10.8 | 17,037 | -6.2 |
| 24 | Bolivar County: Beat 2; & the precincts of North Cleveland & Merigold in Beat 4 | 15,381 | -15.4 | 16,912 | -6.9 |
| 25 | Sunflower County: Beats 1 & 3; & the precinct of Moorhead in Beat 2 | 16,594 | - 8.7 | 17,605 | -3.1 |
| 26 | Sunflower County: Beat 5; & Sunflower & Indianola precincts in Beat 2; & Dockery, Doddsville & Ruleville precincts in Beat 4 | 18,205 | + 0.2 | 18,215 | +0.2 |

Special Master's comments:

All of these districts (Nos. 22, 23, 24, 25, and 26) represent two different estimates of population, arrived at by two different methods. As stated hereinbefore, the Special Master does not agree that Plaintiff's estimates are correct or even that they more nearly represent the actual population.

However, we have before us a copy of the Plaintiff's estimated population figures for the precincts involved in the Bolivar and Sunflower county districts. Purely in an effort to assist in bringing this unhappy affair to a definite conclusion, we have taken the Plaintiff's own figures as to population in the various precincts, and now offer newly constructed districts based thereon for whatever consideration the Court cares to give them, as follows:

| House Dist. No. | | New Proposed Districts | |
|-----------------------|---|------------------------|---------------------|
| | | Population | Black Population |
| 22 | Bolivar County: Beat 1 | 9,483 | 6,893 |
| | Pace & Longshot precincts in Beat 2 | 2,564 | 1,596 |
| | Skene, Shaw & Stringtown precincts in Beat 5 | 5,772 | 3,837 |
| | TOTALS | 17,819 | 12,328 |
| | Percentages: Variance —1.9 Black Population 69.2 | | |
| 23 | Bolivar County: Central Cleveland & East Central Cleveland precincts in Beat 2; | 4,018 | 2,149 |
| | North Cleveland & East Cleveland precincts in Beat 4; | 6,448 | 2,431 |
| | Boyle precinct in Beat 5 | 4,222 | 2,225 |
| | Sunflower County: Boyer-Linn precinct in Beat 4 | 2,248 | 1,515 |
| | TOTALS | 16,936 | 8,320 |
| | Percentages: Variance —6.8 Black Population 49.1 | | |
| 24 | Bolivar County: Beat 3; | 9,575 | 7,878 |
| | West Cleveland precinct in Beat 2; | 3,800 | 736 |
| | Merigold precinct in Beat 4 | 3,527 | 2,593 |
| | TOTALS | 16,902 | 11,207 |
| | Percentages: Variance —7.0 Black Population 66.3 | | |

| House Dist. No. | | New Proposed Districts | |
|-----------------------|---|------------------------|---------------------|
| | | Population | Black Population |
| 25 | Sunflower County: Beats 1 & 3; | 13,494 | 9,035 |
| | Moorhead precinct in Beat 2 | 3,100 | 2,063 |
| | TOTALS | 16,594 | 11,098 |
| | Percentages: Variance —8.7 Black Population 66.9 | | |
| 26 | Sunflower County: Beat 5; | 8,634 | 4,943 |
| | Sunflower & Indianola precincts in Beat 2; | 4,771 | 2,727 |
| | Dockery, Doddsville & Ruleville precincts in Beat 4 | 4,800 | 2,978 |
| | TOTALS | 18,205 | 10,648 |
| | Percentages: Variance +0.2 Black Population 58.5 | | |

Special Master's comments:

The physical structure of Sunflower County dictates the beat and precinct arrangement used therein. The county is exceedingly long, but very narrow. Further, we believe the wide variance in population between the two Sunflower County districts is justified by virtue of the fact that included in the population of District 26 are more than 1,500 inmates at the Mississippi State Penitentiary, located within Beat 5 and the Rome precinct.

Now we proceed to the complaint of the Plaintiff as to the composition of and the population figures arrived at and used for the Issaquena-Washington counties area, wherein lie Districts Nos. 32, 33, 34, and 35. Again we compare:

| House Dist. No. | | Plaintiff's Estimate | | Court House Plan | |
|-----------------------|---|----------------------|----------|------------------|----------|
| | | Popula- tion | Variance | Popula- tion | Variance |
| 32 | Issaquena County Washington County: Beat 1; & the precinct of Avon in Beat 2 | | | 2,737 | |
| | | | | 15,468 | |
| | TOTALS | 17,276 | - 4.9 | 18,205 | +0.2 |
| 33 | Washington County: The precincts of Ward Cen- ter, Community Center & Arcola in Beat 2; & the precinct of Hollan- dale (City Hall) in Beat 5 | 16,680 | - 7.2 | 17,409 | -4.2 |
| 34 | Washington County: Beat 3; & the precinct of New County Garage in Beat 4 | 20,170 | +11.0 | 19,472 | +7.2 |
| 35 | Washington County: The precincts of Leland Health Clinic & Leland Light Plant in Beat 4; & the precincts of Darlove, Bourbon, County Recre- ation Center, & Industri- al College in Beat 5 | 19,012 | + 4.6 | 18,232 | +0.3 |

Special Master's comments:

Plaintiff's estimate (above) would have 20,170 population in District 34 and a claimed variance of +11.0%. We believe this, as well as other population estimates made by the Plaintiff for Washington County, to be far from correct. An example may be seen in population estimates for the five beats. Washington County had new beat lines drawn subsequent to the year 1970. The survey and population calculations for this redistricting plan were made by Comprehensive Planners, whose plan, including population figures therein, was approved by Federal Court. Yet in no case do these population figures appear to have been used by the Plaintiffs in the preparation of their Alternate Plan for Washington County. Let us compare:

| | Court Approved Population | Plaintiff's Estimated Pop. | Plaintiff Over or Under |
|---------------|------------------------------|-------------------------------|----------------------------|
| Beat 1 | 14,122 | 12,642 | -1,480 |
| Beat 2 | 14,021 | 13,592 | - 429 |
| Beat 3 | 14,255 | 14,928 | + 673 |
| Beat 4 | 14,176 | 14,902 | + 726 |
| Beat 5 | 14,007 | 14,517 | + 510 |
| TOTALS | 70,581 | 70,581 | - 0 - |

Washington County is a particularly difficult county to reapportion. Little Issaquena County and its tiny 2,737 population is included as part of one district to help make population in each district nearer the norm of 18,171. Each Washington County beat contains in excess of 14,000 people—too few for one district and too many for one-half of a district. The City of Greenville (population 39,648) contains all or parts of some 10 of the 20 precincts. "City" precinct lines are not coterminous with corporation boundary lines, but many of them extend far out into county territory.

Seven precincts have population between 5,140 and 7,501;

Five precincts have population between 3,222 and 4,734;

Only three precincts contain less than 1,000 people;

The remaining five precincts contain between 1,240 and 2,466 people.

The geographical location of these precincts, as related to one another, makes it extremely difficult to arrive at districts of approximately equal population. But this we believe we have done in the Court Plan.

For these and other good and valid reasons we believe the population estimates shown in the Court Plan are more realistic and less subject to error than those shown in the Plaintiff's Alternate Plan, and we recommend no change in the Court Plan from that adopted for Districts Nos. 32, 33, 34, and 35 in the Final Order.

Now we take up the Plaintiff's objections to Districts 45 and 46 in Lowndes County:

| House Dist. No. | | Plaintiff's Estimate | | Court House Plan | |
|-----------------------|---|----------------------|----------|------------------|----------|
| | | Popula- tion | Variance | Popula- tion | Variance |
| 45 | Lowndes County: The precinct of Caledonia in Beat 1; the precinct of Air Base in Beat 2; the precincts of Rural Hill, New Hope & Fairview in Beat 3; & the precinct of Coleman in Beat 4 | 20,358 | +12.0 | 18,641 | +2.3 |
| 46 | Lowndes County: The precincts of Sale & Stokes-Beard in Beat 1; the precincts of Brandon, Lee High & Franklin in Beat 2; & the precinct of Caldwell in Beat 3; & the precinct of Hunt in Beat 5 | 18,844 | + 3.7 | 18,162 | -0.0 |

Special Master's comments:

There are several valid objections to the population figures used by the Plaintiff in Lowndes County. Some of these were raised by the Special Master in a memorandum to the Court in October, which was presented and discussed in meeting with all parties. This part we now repeat:

"Plaintiff estimates population here to be +12.0% variance from the norm. In his exceptions Plaintiff estimates population of Air Base to be only 2,229. Yet in the redistricting of the beats of Lowndes County the Federal Court permitted the deduction of 4,074 "non-residents" at the Air Base in Beat 2 and 1,670 "non-residents" at the University in Beat 5 from both beat and county totals and a net population of only 43,956 was used in redistricting the county—an average of only 8,791 persons per beat. But in this Legislative reapportionment we must use the entire 1970 population of the county. This population figure is 49,700 and we must use the resident population of the Air Base precinct and its "non-resident" population as well. It is apparent, therefore, that the objection to District 45 is without merit."

There are other reasons to doubt the validity of the population figure of 20,170 used by the Plaintiff as his estimate of the population of District 45.

Some time in October 1976 Plaintiff filed "Plaintiff's Supplement to Motion to Alter or Amend Judgment."

In his supplementary motion Plaintiff, among many other things, proposed, in his Exhibit B thereof, new precinct alignments for Districts 45 and 46.

For District 45 he proposed: Lowndes County precincts of Airbase, Caledonia, Rural Hill, New Hope, Fairview, Coleman and Caldwell, total population 17,412. The precinct composition of this Plaintiff-proposed-district is exactly the same as the Court Plan, *except* that Plaintiff has *added* Caldwell precinct and has arrived at a population of only 17,412 in the face of his contention in his latest "Alter or Amend" motion that the Court Plan for this district *which does not include* Caldwell, has a population of 20,358.

In that same Exhibit B the Plaintiff proposes a new alignment for District 46 which contains exactly the same precincts as in the Court Plan, except Plaintiff *omits* Caldwell. And he shows a population of 17,716. Yet he now avers that the Court Plan, which *includes* Caldwell, totals 18,844, which latter figure is very near the Court Plan population of 18,162.

Whence came this great change in Plaintiff's estimates?

If Plaintiff's Alternate Plans were used the population of Districts 45 and 46 would total 35,128 which, when added to the Lowndes County population shown in the Court Plan for Districts 44 and 52 (to which Plaintiff has not objected) would total 48,025 for the whole of Lowndes County. What would we do with the 1,675 Lowndes County people thus lost out of its 1970 population of 49,700? Has the Plaintiff gotten as confused, perhaps, about the "non-residents" in University precinct as he did about those in Airbase precinct?

We now proceed to Warren-Yazoo Districts 53, 54, and 55, and again compare estimates of the Plaintiff with figures used in the Court Plan:

| House Dist. No. | | Plaintiff's Estimate | | Court House Plan | |
|-----------------------|---|----------------------|----------|------------------|----------|
| | | Popula- tion | Variance | Popula- tion | Variance |
| 53 | Warren County: The precincts of Yokena, Redbone, Goodrum, Tingle, Beechwood, Culkin, Kings, St. Aloysius & American Legion (Blackburn) in whatever Beats situated | 19,933 | + 9.70 | 16,928 | -6.8 |
| 54 | Warren County: The precincts of Jett, Fire Station No. 7, + Jones-town in whatever Beats situated | 11,079 | -39.03 | 16,492 | -9.2 |
| 55 | Warren County: The precincts of Bovina, Oak Ridge, Redwood, Walters, Brunswick, Cedar Grove, Auditorium, & Central Fire Station in whatever Beats situated | | | 11,561 | |
| | Yazoo County: The precincts of Dover, East Bentonina, West Bentonina, Phoenix, Mechanicsburg, Satartia, Fugates, Deasonville, & Valley in whatever Beats situated | | | 5,521 | |
| | TOTALS | 19,845 | + 9.21 | 17,082 | -6.0 |

Special Master's comments:

Warren County has presented perhaps the most difficult situation of all of the problems inherent in reapportioning the House of Representatives. First of all, Claiborne County was severed from the old Warren-Jefferson county district and added to Jefferson County in order to set up a new preponderantly black district. The population left in Warren County alone is too great for two districts and too small for three. Issaquena County to the North has already been used with Washington County to help equalize the population in the four-member situation there. Giant Hinds County to the East stands alone with its twelve districts.

Yazoo County to the Northeast offers the only county that can be joined with Warren. But before the overlapping of district lines across county boundaries has ended it is necessary to have Warren, Yazoo, Sharkey, Humphreys and Holmes counties involved in a seven-member area. The population overall of 118,943 works out to an average population of 16,992 per district—well below the population norm and leaving little “working room” for the proper arrangement of the various voting precincts into districts.

To compound the problem, the matter of the restructuring of the five supervisor's districts of Warren County has been and continues to be ensnared in Federal Appeal Courts. So serious and involved is this matter that there were no elections for beat officers [sic] held in Warren County in 1975—all being held up pending a final settlement of the problem.

Prior to this time the Special Master has spent a disproportionate amount of time and effort trying to arrive at a fair, equitable and workable solution for the Warren-Yazoo area. He believed he had a satisfactory solution to the problem in the plan that appeared in the Court's Final Order. Not so. After careful study of the Plaintiff's objections and a review of the population figures used by the Special Master in the Court Plan, we are now of the opinion that our population figures for the precincts, while at least fairly representative of the situation prevailing in the year 1975, is perhaps somewhat off the mark in some of the precincts as regards population in the year 1970.

For the past few years there has been a tremendous shifting of population between the various areas of Warren County in and adjacent to the City of Vicksburg. This trend continues.

We do not suggest here that we are in firm agreement with precinct population estimates propounded by Plaintiff. We have nonetheless decided to use the Plaintiff's population estimates for Warren County and have just now—after numerous cases of trial and error—arrived at new districts based upon these estimates. But we cannot accept the Plaintiff's precinct arrangement,

filed earlier, for the composition of districts for at least two reasons. First, population is too greatly in variance from the norm—going as far as nearly 11% in one district; and second, the absolute gerrymandering of the two other districts after gathering together every black majority precinct in the county into the first district to guarantee a heavily loaded black majority district in a county having only 40.8% population.

This revised plan, hereinbelow presented, must include all of Districts 47, 48, 49, 53, 54, 55 and 56 lying in the five counties earlier named:

| House Dist. No. | | New Proposed Districts Using Plaintiff's Population Estimate | | |
|-----------------------|---|---|---------------------|------------|
| | | Population | Black Population | % Black |
| 47 | Sharkey County | 8,937 | 5,784 | 64.7 |
| | Humphreys County: Beat 5; & Silver City precinct in Beat 3 | 4,307 | 3,350 | 77.8 |
| | Yazoo County: Precincts of Car- ter, Lake City, Eden, Free Run, East Midway, West Midway, & Harttown in whatever Beats situated | 3,120 | 2,060 | 66.0 |
| | TOTALS | 16,363 | 11,194 | 68.4 |
| | Variance —9.9% | | | |
| 48 | Humphreys County: Beats 1, 2, & 4; & Lake City precinct in Beat 3 | 10,295 | 6,110 | 59.3 |
| | Holmes County: Precincts of Cox- burg, Tchula, Thornton, & Cruger | 6,258 | 4,625 | 73.9 |
| | TOTALS | 16,553 | 10,735 | 64.9 |
| | Variance —8.9% | | | |
| 49 | Holmes County: The entire coun- ty less the precincts of Coxburg, Tchula, Thornton, & Cruger | 16,862 | 11,118 | 65.9 |
| | Variance —7.2% | | | |

| House Dist. No. | | New Proposed Districts Using Plaintiff's Population Estimate | | |
|-----------------------|---|---|---------------------|------------|
| | | Population | Black Population | % Black |
| 53 | Warren County: The precincts of Redbone, Yokena, Jett, Fire Sta- tion No. 7, American Legion (Blackburn), & St. Aloysius in whatever Beats situated | 16,968 | 7,207 | 42.5 |
| | Variance —6.6% | | | |
| 54 | Warren County: The precincts of Culkin, Beechwood, Jonestown, Kings, Cedar Grove, Auditorium, & Central Fire Station in what- ever Beats situated | 17,559 | 7,348 | 41.8 |
| | Variance —3.4% | | | |
| 55 | Warren County: The precincts of Oak Ridge, Bovina, Redwood, Walters, Brunswick, Tingle, & Goodrum in whatever Beats situated | 10,454 | 3,800 | 36.3 |
| | Yazoo County: The precincts of Dover, East Bentonina, West Ben- tonia, Mechanicsburg, Phoenix, Satartia, Deasonville, Fugates, Valley, Enola, Fairview, & Holly Bluff in whatever Beats situated | 6,929 | 3,799 | 54.8 |
| | TOTALS | 17,383 | 7,599 | 43.7 |
| | Variance —4.3% | | | |
| 56 | Yazoo County: The precincts of Center Ridge, Robinette, Zion, East Courthouse, West Court- house, South City Hall, North City Hall, West Lintonia, East Lintonia, & Benton in whatever Beats situated | 17,255 | 8,720 | 50.5 |
| | Variance —5.0% | | | |

STATE SENATE

IN RE: AFFIDAVIT OF
PROF. GORDON G. HENDERSON

Information received by the Special Master from the State Tax Commission and Comprehensive Planners during his preparation of the Senate Plan failed to show that the supervisor's district lines in Holmes County had been redrawn by Federal authorities in accordance with the one-man one-vote principle. Therefore, 1970 Census figures for beat population were used in said Senate Plan districts that affected Holmes County.

Later, during the Special Master's preparation of the House Plan additional beat population figures for Holmes County (and others) were procured from Comprehensive Planners which showed that Holmes County had, in fact, been redistricted subsequent to the 1970 Census.

Busy with the structuring of the House Plan at the time, which plan was not affected by the change in beat population figures, the Special Master simply neglected to go back into source data areas already explored and therefore failed to re-structure Districts 28 and 29 affecting Holmes County.

Referring back to our voluminous files we find that we should, and can, revise Senate Districts 28 and 29, which we now proceed to do:

| Senate Dist. No. | | Revised Senate Districts 28 & 29 | | |
|------------------------|---|----------------------------------|------------------------|----------|
| | | Unit Population | District Population | Variance |
| 28 | Madison County | 29,737 | | |
| | Holmes County: Beats 2 & 3 | 9,387 | | |
| | Yazoo County: The precincts of Benton, Deasonville, Fugates, Eden, Free Run, East Midway, West Midway, Harttown, Carter, & Dover in whatever Beats situated | 6,671 | 45,795 | +7.4% |
| 29 | Issaquena County | 2,737 | | |
| | Sharkey County | 8,937 | | |
| | Holmes County: Beats 1, 4, & 5 | 13,733 | | |
| | Yazoo County: All precincts in whatever Beats situated that are not included in District 28 | 20,633 | 46,040 | +8.0% |

—William D. Neal
Special Master
December 8, 1976

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Dec. 21, 1976]

PEGGY J. CONNOR, ET AL., PLAINTIFFS

—vs—

CLIFF FINCH, ET AL., DEFENDANTS

Before COLEMAN, Circuit Judge; RUSSELL, Chief
District Judge; and COX, District Judge.

ORDER AMENDING PREVIOUS JUDGMENT

The Court has before it, and has fully considered, plaintiffs' objections and motion to alter or amend judgment dated November 29, 1976. We also have before us, and have considered, the analysis of those objections by our Special Master, dated December 8, 1976.

Pursuant thereunto, it is

ORDERED, ADJUDGED and DECREED that our previous judgments in this legislative reapportionment case are hereby amended to read, for the legislative districts indicated, as follows:

Mississippi State Senate

| Senate Dist. No. | | Unit Population | District Population | Variance |
|------------------------|---|--------------------|------------------------|----------|
| 28 | Madison County | 29,737 | | |
| | Holmes County: Beats 2 & 3 | 9,387 | | |
| | Yazoo County: The precincts of Benton, Deasonville, Fugates, Eden, Free Run, East Midway, West Midway, Harttown, Carter, & Dover in whatever Beats situated | 6,671 | 45,795 | +7.4% |
| 29 | Issaquena County | 2,737 | | |
| | Sharkey County | 8,937 | | |
| | Holmes County: Beats 1, 4, & 5 | 13,733 | | |
| | Yazoo County: All precincts in whatever Beats situated that are not included in District 28 | 20,633 | 46,040 | +8.0% |

Mississippi State House of Representatives

| House Dist. No. | | Popula- tion | Black Popula- tion | % Black | Variance |
|-----------------------|---|-----------------|--------------------------|------------|----------|
| 15 | Coahoma County: Beat 2; & the Clarksdale precincts in Beats 1 & 3; & Cagle Crossing precinct in Beat 4; & Bobo, Rena Lara & Roundaway precincts in Beat 5 | 17,260 | | | -5.01 |
| 16 | Coahoma County: Mattson precinct in Beat 3; & the Clarksdale precincts in Beats 4 & 5 | 16,882 | | | -7.1 |

| House Dist. No. | | Popula- tion | Black Popula- tion | % Black | Variance |
|-----------------------|---|-----------------|--------------------------|------------|----------|
| 47 | Sharkey County | 8,937 | 5,784 | 64.7 | |
| | Humphreys County: Beat 5; & Silver City precinct in Beat 3 | 4,307 | 3,350 | 77.8 | |
| | Yazoo County: Precincts of Carter, Lake City, Eden, Free Run, East Midway, West Midway, & Harttown in whatever Beats situated | 3,120 | 2,060 | 66.0 | |
| | TOTALS | 16,363 | 11,194 | 68.4 | -9.9% |
| 48 | Humphreys County: Beats 1, 2 & 4; & Lake City precinct in Beat 3 | 10,295 | 6,110 | 59.3 | |
| | Holmes County: Precincts of Coxburg, Tchula, Thornton, & Cruger | 6,258 | 4,625 | 73.9 | |
| | TOTALS | 16,553 | 10,735 | 64.9 | -8.9% |
| 49 | Holmes County: The entire county less the precincts of Coxburg, Tchula, Thornton, & Cruger | 16,862 | 11,118 | 65.9 | -7.2% |
| 53 | Warren County: The precincts of Redbone, Yokena, Jett, Fire Station No. 7, American Legion (Blackburn), & St. Alyosius in whatever Beats situated | 16,968 | 7,207 | 42.5 | -6.6% |
| 54 | Warren County: The precincts of Culkin, Beechwood, Jonestown, Kings, Cedar Grove, Auditorium, & Central Fire Station in whatever Beats situated | 17,559 | 7,348 | 41.8 | -3.4% |

| House Dist. No. | | Popula- tion | Black Popula- tion | % Black | Variance |
|-----------------------|---|-----------------|--------------------------|------------|----------|
| 55 | Warren County: The precincts of Oak Ridge, Bovina, Redwood, Walters, Brunswick, Tingle, & Goodrum in whatever Beats situated | 10,454 | 3,800 | 36.3 | |
| | Yazoo County: The precincts of Dover, East Benton, West Benton, Mechanicsburg, Phoenix, Sartartia, Deasonville, Fugates, Valley, Enola, Fairview, & Holly Bluff in whatever Beats situated | 6,929 | 3,799 | 54.8 | |
| | TOTALS | 17,383 | 7,599 | 43.7 | -4.3% |
| 56 | Yazoo County: The precincts of Center Ridge, Robinette, Zion, East Courthouse, West Courthouse, South City Hall, North City Hall, West Lintonia, East Lintonia, & Benton in whatever Beats situated | 17,255 | 8,720 | 50.5 | -5.0% |

From the evidence already heard and considered in this case, the remaining objections filed by the plaintiffs are found to be without merit and will be overruled.

So ORDERED this the 17 day of December, 1976.

/s/ Jas. P. Coleman
United States Circuit Judge

/s/ Dan M. Russell, Jr.
Chief United States District Judge

/s/ Harold Cox
United States District Judge

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Dec. 27, 1976]

[Caption Omitted]

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that plaintiffs Peggy J. Connor, et al., hereby appeal to the United States Supreme Court from the Final Judgment entered in this action on November 18, 1976, as amended by the Order Amending Previous Judgment, entered December 21, 1976.

Dated: December 27, 1976.

/s/ Frank R. Parker
FRANK R. PARKER
Lawyers' Committee for
Civil Rights Under Law
233 North Farish Street
Jackson, Mississippi 39201
Attorney for Plaintiffs

[Certificate of Service Omitted]

IN THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No. 3830 (A)

[Filed Dec. 28, 1976]

[Caption Omitted]

NOTICE OF APPEAL

Please take notice that the United States of America, Plaintiff-Intervenor in this action, hereby appeals to the United States Supreme Court the Final Judgment of the Three-Judge District Court entered on November 18, 1976, as amended by Order of that court entered on December 21, 1976. The appeal is taken pursuant to 28 U.S.C. Section 1253.

UNITED STATES OF AMERICA

/s/ Robert E. Hauberg
ROBERT E. HAUBERG
United States Attorney

[Certificate of Service Omitted]

SUPREME COURT OF THE UNITED STATES

No. 76-777

PEGGY J. CONNOR, ET AL., APPELLANTS

v.

CLIFF FINCH, Governor of Mississippi, ET AL.

APPEAL from the United States District Court for the Southern District of Mississippi.

UPON CONSIDERATION of the requests of Peggy J. Connor, et al, and of the United States to treat the application as an expedited appeal from the judgment denying injunctive relief entered by the United States District Court for the Southern District of Mississippi in Civil Action No. 3830(A) on November 18, 1976.

IT IS ORDERED by this Court that the said requests be, and they are hereby, granted, and probable jurisdiction is noted.

The parties may file and exchange such motions under Rule 16 as they desire, and they shall file and exchange briefs on the merits on or before the close of business Monday, February 7, 1977. Responsive briefs, if any, shall be filed and exchanged on or before the close of business Monday, February 21, 1977. Oral argument is set for Monday, February 28, 1977.

It is further ordered that any and all other appeals from the above judgment be taken by filing notices of appeal and perfected pursuant to the Rules of the Court by filing statements as to jurisdiction on or before the close of business Wednesday, January 5, 1977.

December 8, 1976

SUPREME COURT OF THE UNITED STATES

Nos. 76-933, 76-934 and 76-935

CLIFF FINCH, Governor of Mississippi, ET AL., APPELLANTS

v.

PEGGY J. CONNOR, ET AL.

UNITED STATES, APPELLANT

v.

CLIFF FINCH, Governor of Mississippi, ET AL.; AND
PEGGY J. CONNOR, ET AL., APPELLANTS

v.

CLIFF FINCH, Governor of Mississippi, ET AL.

APPEALS from the United States District Court for the Southern District of Mississippi.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted. The cases are consolidated with No. 76-777 and a total of one and one-half hours is allotted for oral argument. The parties shall file and exchange briefs on the merits on or before the close of business Monday, February 7, 1977. Responsive briefs, if any, shall be filed and exchanged on or before the close of business Monday, February 21, 1977. Oral argument is set for Monday, February 28, 1977.

January 17, 1977